

I-22
16.06.2026
Court No. 652
Sayan

WPA 22163 of 2024

Uma Rani Maji (Samanta)
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Pradip Kumar Ghosh
Mr. Yudhisthir Maity

... for the petitioner

1. The writ petitioner expresses two-fold grievance in the present case.
2. Firstly, an order of the Commissioner of School Education, West Bengal dated May 20, 2024, has been referred to. By dint of the same, the Commissioner of School Education, West Bengal has approved appointment of candidates in the post of primary teachers, pursuant to the directions issued by the Supreme Court vide order dated January 24, 2019, and October 21, 2019, in Civil Appeal No. 1071 of 2019. Orders of this Court dated April 25, 2024, April 30, 2024, and May 02, 2024, in writ petition No. WPA 21497 of 2023 (with other analogous matters) have also been referred to relating to the same subject matter, appointment of primary teachers.
3. The petitioner claims herself to have been appointed for the post as above by dint of the said order of the Commissioner of School Education, West Bengal, dated May

20, 2024, though minor mismatch/discrepancy still remains in respect of her name in the documents namely, admit card issued by the DPSC and the writ petition. Allegedly in spite of her name being included in the said order of successful and eligible candidates, the petitioner has not been appointed and has been unreasonably, arbitrarily and illegally deprived.

4. Her other grievance is with respect to the order of the Chairman, District Primary School Council, Purba Medinipur dated June 14, 2024. It is stated that in declining her candidature to the post, the Chairman, DPSC, Purba Medinipur, has brought in new grounds, not covered or mentioned in the orders of the Supreme Court or this Court mentioned hereinabove. It is stated that the issue of appointment of the petitioner having reached to its finality, pursuant to the orders as above of the Courts and that of the Commissioner of School Education dated May 20, 2024, the same could not have been re-opened and declined by the respondent Chairman DPSC, Purba Medinipur, on some other ground and on different pretext altogether.
5. There is also an objection raised by the respondent authority, as regards the marks obtained by the petitioner, stating the same to be below the cut off marks for eligibility, whereas according to the petitioner, the respondent authority itself has disclosed before the Court, in other matter on

affidavit, that the cut off marks was less than the marks obtained by the petitioner in the selection process.

6. For all these reasons, the present writ petition has been filed by the petitioner seeking relief that, by appropriately dealing with the minor discrepancy as regards her name as alleged, the respondent may be directed to take necessary steps for her appointment to the post of a primary teacher.
7. The matter relates to recruitment process of the primary school teachers, in 2006. An order of the Supreme Court in Civil Appeal No. 1071 of 2019 dated January 24, 2019, has been referred to by Mr. Biswas, learned advocate appearing for the petitioner. He specifically relies on the following portion of the order: -

“In order to do complete justice, inter se the parties, while not interfering with the impugned judgment/s passed by the High Court on a principle of law, we consider it appropriate to exercise our power under Article 142 of the Constitution of India to issue the following directions:

(1) The primary teachers who obtained their certificates from the institutes recognised by the State Government, will also be entitled to the weightage under Rule 9(2)(d) of the Recruitment Rules, 2001 so long as they have filed the legal proceedings in the High Court on or before 31st December, 2010. This would include such of the parties who are the original petitioners or interventionists in their individual names so long as the petitions or the applications for intervention have been filed on or before 31st December, 2010. We make it clear that this relief will be available to only such persons and no others.”

8. He also mentions about the order of this Court dated May 21, 2024 in WPA 21274 of 2021 (and other similar writ petitions) wherein the Court, after noting the submission of the Commissioner of School Education has found that 45 candidates are qualified for appointment and directed that the letter of appointment may be issued to the 45 candidates; also indicating the effective date of appointment is to be from January 24, 2019, that is, the date of passing order by the Supreme Court as mentioned above, giving notional effect to their past services. In the same order, the Court has noted *“There are some discrepancies in the documents submitted by some of the 45 candidates. The same shall be looked into and as far as possible rectified mutually by the respondents and the concerned petitioner”*.
9. Mr. Biswas has submitted that as per letter of the Commissioner of School Education dated May 20, 2024, in case of the petitioner who has been otherwise enlisted as selected, her name was found mismatched in the documents like admit card issued by the DPSC and the writ petition. According to Mr. Biswas by dint of the liberty granted by the Court in order dated May 21, 2024, such discrepancy of name of the petitioner in two different documents is a curable defect and should have been considered and modified by the respondent authority.

10. Mr. Biswas has further expressed grievance of his client that instead of doing in the manner has directed by the Court in order dated May 21, 2024, the Chairman, DPSC, Purba Medinipur, passed his order dated June 14, 2024, incorporating some new grounds for rejecting the petitioner's candidature for appointment, which, according to the petitioner is extraneous to the considerations and grounds of decision of the Hon'ble Supreme Court as well as this Court as mentioned above. He submits that the order of the Chairman, District Primary School Council, Purba Medinipur dated June 14, 2024, cannot subsist in view of the order of the Commissioner of School Education, West Bengal dated May 20, 2024.
11. Lastly, Mr. Biswas has submitted that, in 'Annexure-I', the list of candidates, annexed with the letter of the Commissioner of School Education dated May 20, 2024, though the petitioner has been shown to have obtained lesser number than that of the final cut off marks, but the said information is not only in discrepancy with the earlier affidavit filed by the DPSC before this Court but also erroneous and untenable. In this regard, Mr. Biswas has referred to a previous order of this Court in WPA 20370 of 2024 dated August 20, 2024, and the affidavit-in-opposition filed by the DPSC in WP No. 22349W of 2010. It is submitted that in the said affidavit-in-opposition the DPSC has declared the last cut off mark in the general category to be

55.906. He says that the said fact has been duly recorded by the Court in order dated August 20, 2024. Therefore, according to the petitioner, the information submitted before the Court by the respondent/DPSC is self-contradictory. Mr. Biswas insists that the Court may take the declaration made on affidavit by the respondent/DPSC that the last cut off mark for general category candidates was 55.906. Accordingly, the marks obtained by the petitioner that is, 57.044 appears to be within the cut off range and there can be no question or doubt as regards eligibility of the petitioner for being appointed.

- 12.** None appears for the respondent in spite of service of several notices in recent times on behalf of the petitioner. Therefore, the matter is taken up for being heard and passing order, in absence of the respondent authority.
- 13.** The order of this Court dated May 21, 2024, in WPA 21274 of 2021 assumes importance in this case. On admission, the list of 45 candidates was found to have been qualified for appointment. Regarding them due verification was also completed. The petitioner founded place in the list of the said 45 qualified candidates, after due verification of her credentials as an eligible person for being appointed.
- 14.** The facts being undisputed till this stage, the petitioner would be entitled to due consideration and redress, if the respondent authority finds any discrepancy

in the documents submitted by her. That should be done in terms of the Court's direction in order dated May 21, 2024, where the Court says that the discrepancies found in the documents submitted by some of the said 45 candidates [including the present petitioner] shall be looked into and rectified by the respondents.

- 15.** The petitioner does not deny existence of mismatch of her name in admit card issued by the DPSC and the writ petition. Therefore, in terms of the Court's order as above, the respondent should have taken appropriate steps for eradication of the discrepancy as existent. Instead of doing so, the respondent authority has gone far to cancel the candidature of the petitioner, vide letter dated June 14, 2024, on some other grounds which are extraneous to the considerations made by the Court in its order. By doing this, the respondent Chairman, DPSC, Purba Medinipur, has practically overridden the order of the Hon'ble Supreme Court as well as this Court as mentioned above, pursuant to which the enlisted 45 candidates including the writ petitioner were entitled to be appointed, after meeting up the discrepancies, if any, arising in their documents. In such view of the matter, the order challenged by the petitioner of the Chairman, DPSC, Purba Medinipur dated June 14, 2024, appears to be not maintainable.

16. Once the competent authority, namely the Commissioner of School Education, acting in compliance with the orders of the Hon'ble Supreme Court and this Court, had included the petitioner in the list of 45 verified and eligible candidates, a valuable right of consideration for appointment accrued in favour of the petitioner. Such determination could not thereafter be nullified by a subordinate authority by reopening the issue on grounds dehors the judicial directions. The doctrine of finality of administrative determination, particularly when such determination is rendered pursuant to binding judicial orders, mandates that subordinate authorities act in aid of the implementation of the decision and not in derogation thereof.

17. The direction contained in the order dated May 21, 2024 clearly contemplated that discrepancies in the documents of some of the 45 candidates were to be looked into and, as far as possible, rectified. The emphasis of the Court was therefore on curing defects and not on creating fresh disqualifications. A mismatch in the spelling or description of the petitioner's name, when her identity and candidature otherwise stood verified, constituted a curable irregularity and not a substantive disqualification. The action of the Chairman, DPSC in treating such discrepancy as a ground to deny appointment amounts to a misdirection in law and defeats the very purpose for which

liberty to rectify discrepancies had been granted by this Court.

18. Moreover, the impugned decision suffers from the vice of arbitrariness under Article 14 of the Constitution. An authority entrusted with implementing judicial directions cannot travel beyond the reasons germane to such implementation and introduce new considerations to defeat the benefit already adjudicated upon. The law is well settled that administrative authorities cannot supplement or alter the basis of a decision by subsequent justifications, nor can they act in a manner that renders a binding judicial order ineffective. The petitioner, having been treated as one of the verified and qualified candidates, was entitled to a legitimate expectation that the process of appointment would be carried to its logical conclusion subject only to rectification of the discrepancy noticed by the Court.

19. Regarding the other grievance of the petitioner that in the list annexed with the letter of the Commissioner dated May 20, 2024, the petitioner has been shown to have obtained lesser mark than the minimum cut off appears to be only misconceived and false. The affidavit submitted by the DPSC in other matter before the Court, discloses that minimum cut off in the general category is 55.906 marks which is much less than the marks obtained by the petitioner that is, 57.044. In such view of the matter, there is no

material to even suggest about ineligibility of the writ petitioner for being appointed in the post of primary school teacher in terms of the Court's order as well as the order of the Commissioner of School Education dated May 20, 2024.

20. The respondent authority, being a public body, is expected to maintain consistency in its stand before judicial forums. Once a factual position regarding the last cut-off marks had been disclosed on affidavit before the Court, the respondent could not subsequently adopt a contrary position in the absence of any explanation or material demonstrating error in the earlier disclosure. Administrative fairness demands that the State and its instrumentalities speak in one voice and adhere to standards of transparency and candour in judicial proceedings. A public authority cannot be permitted to approbate and reprobate on the same factual issue according to the exigencies of a particular case. Such self-contradictory conduct strikes at the root of fairness in decision-making and renders the objection regarding the petitioner's alleged ineligibility wholly unreliable. Once eligibility of a candidate stands established on the basis of the applicable selection criteria, denial of appointment on grounds unsupported by the record would amount to arbitrary exclusion from public employment.

21. A report submitted by the Chairman, DPSC, Purba Medinipur as available on

record, which is perused. In the same, the said respondent has raised objection as to the contention and prayer of the petitioner in view of the fact that the petitioner has obtained lesser marks than the last cut off marks. Since the stand of the respondent is self-contradictory as discussed above, the contentions of the respondent in the said report are unacceptable to this Court.

22. Due to the entire discussion as made above, the order of the Chairman, DPSC dated June 14, 2024, as impugned in the instant writ petition appears to be based on extraneous considerations, in gross violation of the orders of the Supreme Court and this Court too, thus arbitrary and unsustainable and liable to be set aside. Similarly, the writ petitioner is found to be eligible for being appointed as one of the 45 enlisted candidates as admitted to be qualified for appointment by the Commissioner of School Education before the Court in order dated May 21, 2024.

23. Considering all above, the present writ petition is disposed of with the following directions: -

i) Impugned order of the Chairman, DPSC, Purba Medinipur dated June 14, 2025, is set aside.

ii) The Commissioner of School Education, West Bengal shall pass necessary order directing appointing the writ petitioner against a vacant post of a primary teacher

as a successful candidate in the recruitment process of 2006.

iii) Her appointment shall be with notional effect from the date when other persons in the list of 45 candidates have been appointed. However, she shall be entitled to actual pay and other emoluments with effect from the date of her joining in the post.

- 24.** Writ petition being No. WPA 22163 of 2024 along with applications pending if any, is disposed of.

(Rai Chattopadhyay, J.)