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NANDY

(DISMISSED)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 27957 of 2025

**BUL BUL AHMMED SARKAR
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Syed Shamsul Arefin, Advocate

.....for the Petitioner

Mr. Kalyan Badopadhyay, Sr. Advocate
Mr. Biswaroop Bhattacharya, Advocate
Ms. Pramiti Bandopadhyay, Advocate
Mr. Arka Kumar Nag, Advocate
Mr. Rahul Kumar Singh, Advocate

.....for the WBCSSC

Mr. Supriyo Chattopadhyay, Advocate
Mr. Sabyasachi Mondal, Advocate

.....for the State

1. The petitioner sat for the first State Level Selection Test (SLST) in 2016.
2. According to Mr. Arefin learned Advocate for the petitioner, the petitioner was a successful candidate. However, in view of the order of the Hon'ble Supreme Court of India, the petitioner is eligible to sit for the second SLST in 2025.
3. The petitioner sat for the second SLST, but failed to qualify, in view of the fact that he had obtained 42.87% in his Masters in Political Science. The Notification by Memo No. 1092/7016/CSSC/ESTT/2025 dated 30.05.2025 leaves room for relaxation of the post-graduate marks of 50% in cases of physically handicapped candidates.
4. The petitioner, being a physically handicapped candidate is entitled to the relaxation, according to Mr. Arefin, not from 50% to 45% but from 45% to 40%.
5. This, according to Mr. Arefin, is on account of the order passed by the Supreme Court, which specifies that "*all selected and appointed untainted candidates, who were permitted to be continued in service till 31.12.2025,*

shall be allowed to participate in the fresh selection process, without insisting upon their complying with the newly introduced eligibility criteria of securing 50% minimum marks on graduation and post-graduation, under the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper Primary Level of Classes [except Work Education and Physical Education], Classes IX-X and Classes XI-XII) Rules, 2025.”

6. Thus, the petitioner is entitled to the relaxation from 45% to 40% and, hence, qualifies to be appointed.
7. Mr. Bhattacharya, learned Advocate appearing for the Commission, on the other hand, submits that the petitioner irrespective of whether he was tainted or untainted, is an unsuccessful candidate in the first SLST. Therefore, the exception carved out by the Honorable Supreme Court of India in the matter of ***Bibek Paria & Ors. Vs. The State of West Bengal & Ors.***, does not apply to the petitioner.
8. The petitioner, being an unsuccessful candidate, cannot claim a right to be guided by the rules of the first SLST and not the rules of second SLST.
9. I have heard the learned Advocates for the parties.
10. The order of the Honorable Supreme Court of India in ***Bibek Paria & Ors. (supra)*** is clear and unequivocal. The exception applies only to such candidates who were selected and appointed as well as untainted.
11. The petitioner is an untainted candidate; however, he is not a candidate, who was selected and appointed. The petitioner is not in service at present and, therefore, clearly does not fall within the exception carved out, as an unsuccessful, untainted candidate of the first SLST, the petitioner is at liberty to take the second SLST, which he has done.
12. However, just because he has been allowed to take the second SLST, it cannot be argued that he is a candidate who falls within the exception carved out in

Bibek Paria & Ors. (supra). The petitioner would have been entitled to be guided by the rules of the first SLST (2016) had he been a selected and appointed candidate who had been in service. The petitioner is not in service at present and has never been in service; this is a clear indicator that the petitioner was not a successful candidate, though he was untainted.

13. The petitioner, as a physically handicapped candidate, is entitled to a 5% relaxation and has been duly given that relaxation, making his cutoff criteria 45%. Since the benchmark fixed for the post-graduate degree is 50%, it has been duly reduced by 5% and made 45% in the case of the petitioner. This is the norm of the 2025 rules.
14. The petitioner has not been able to meet this benchmark, as he has obtained 42.87% in his Masters. Thus, there is absolutely no reason to hold that the petitioner is entitled to any further relaxation than that which he has already been given.
15. I do not find any merit in the writ-petition.
16. **WPA 27957 of 2025** is accordingly **dismissed**. There shall, however, be no order as to costs.

(Reetobroto Kumar Mitra, J.)

