

WPA 27961 of 2025

Sunandan Basak
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Raju Bhattacharyya
Mr. Arunava Maiti
.... for the petitioner

Mr. Nilotpal Chatterjee
Mr. Amritalal Chatterjee
Mr. Sandip Dasgupta
.... for the State

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharaya
Ms. Pramiti Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh
..... for the WBCSSC

Ms. Koyeli Bhattacharyya
..... for the WBBSE

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved that his participation in the second SLST has been rejected outright on the ground of age. The petitioner has been held as over-aged and thus disqualified to partake in the second SLST.
3. Mr. Partha Sarathi Bhattacharyya, learned senior Advocate appearing for the petitioner, submits that in terms of the judgment of the Hon'ble Supreme Court of India in State of West Bengal

vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.,
the Supreme Court has held at paragraph 49 as
under :

“The disabled candidates mentioned in the previous paragraph will be allowed to participate in the fresh selection process, if required, with age relaxation and other concessions. Similarly, other candidates who are not specifically tainted will also be eligible to participate, with appropriate age relaxation. In our opinion, such a direction would be fair and just, as it would allow these candidates to take part in the fresh selection process, which should now be initiated to fill the vacancies.”

4. He argues that the petitioner qualifies as “other candidates” who are not specifically tainted. Thus, the petitioner is eligible for participation with appropriate age relaxation. In fact, the Memorandum no. 1092/7016/CSSC/ESTT/2025 dated May 30, 2025, being the notification, guiding the SLST, also clearly leaves room for age relaxation as does the Notification No. 764-SE/S/10M-03/2025 dated May 29, 2025. Thus, the petitioner ought to have been given such age relaxation and should have been permitted to participate in the examination process.
5. Mr. Biswaroop Bhattacharya, learned Advocate appearing for the Commission, submits that both the notifications of May 29, 2025 as well as May 30, 2025 so far as they pertain to age relaxation, stems from the order passed by the Hon’ble

Supreme Court of India in Baishakhi Bhattacharyya (Chatterjee) (supra).

6. I have heard the learned Advocates for the parties and perused the records.
7. The petitioner is presently 49 years of age and without relaxation of age, there is no way that the petitioner could have been permitted to participate in the second SLST.
8. The question of age relaxation has been clarified in no uncertain terms by the Hon'ble Supreme Court of India. For such purpose, it is imperative to read the entirety of the judgment rather than read a paragraph or a line in isolation. The judgment refers to age relaxation for candidates not specifically found to be tainted in respect of whom the entire process had been rightly held to have been declared null and void. The petitioner is not one of those candidates who were in service in the first SLST. Thus, the question of petitioner's service, after termination, never really arose. The petitioner is in service on account of some other process and not the 2016 SLST. The Hon'ble Supreme Court of India in Baishakhi Bhattacharyya (Chatterjee) (supra) has clarified that the persons who are selected and were in service under the first SLST and were thus affected by the entire process of first SLST being

declared null and void would be entitled to several relaxations, including that of age. Paragraphs 49 and 46 have to be read in conjunction and consonance with each other. Paragraph 49, in isolation, would tend to give an interpretation that any other candidates, not specifically tainted, would be entitled to relaxations, as specified therein, including that of age. This interpretation is contrary to the tenor of the judgment. The phrase “other candidates” as referred to in paragraph 49 refers to those other candidates who have already been identified in paragraph 46. Other candidates cannot be construed as “all other candidates” in any examination or any appointment process who are in service. The petitioner’s service has not been affected by virtue of setting aside the first SLST process.

9. This interpretation would also find support from the notifications of May 29, 2025 and May 30, 2025 relating to the second SLST. The age relaxations in these two notifications are specific, that they would be given to candidates in terms of the order of April 3, 2025 and April 17, 2025.
10. In view of the aforesaid, there is no other interpretation which would be in consonance with and harmonious to the intent of the judgment of the Hon’ble Supreme Court of India.

11. The petitioner, not being entitled to any age relaxation, has been rightly refused as he lacks eligibility to participate in the second SLST being over-aged.
12. The writ petition fails and is accordingly dismissed.
13. There shall, however, be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)