



2025:CHC-AS:1243

20.12.2024  
(D/L 04)  
Ct.-19  
(Susanta)

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION**

**APPELLATE SIDE**

**W.P.A. 29050 of 2024  
(Assigned)**

Manashi Paul

-Vs-

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury,  
Mr. Rajib Ghosh,  
Mr. Babhru Bahan Bera,  
.... For the Petitioner.  
Dr. Sutanu Kumar Patra,  
Ms. Supriya Dubey,  
.... For the WBCSSC.  
  
Mr. Supriyo Chattopadhyay, Ld. AGP,  
Ms. Sayantani Bhattacharya,  
.... For the State.

Affidavit-of-service filed on behalf of the petitioner  
be kept with the record.

The petitioner is an empanelled candidate of the 1<sup>st</sup>  
State Level Selection Test, 2016 for recruitment of  
Assistant Teachers (Upper Primary level except Physical  
Education and Work Education) in Government  
aided/sponsored school.

The grievance of the petitioner that though she was  
called for counseling, but was not allowed to participate in  
it on the ground that she is overage.

Mr. Chowdhury, learned advocate for the petitioner  
submits that his client though was within the prescribed  
age, could not qualify the Teacher Eligibility Test (TET),  
2013, as the said Test was subsequently cancelled, however  
on relaxation of age, she took the TET 2015 and was  
declared qualified.



The West Bengal School Service Commission, in the year 2016, had initiated the aforementioned 1<sup>st</sup> SLST, 2016 but by the time, the petitioner since had crossed the upper age limit prescribed for the said Selection Test, she was not called for the interview.

The petitioner, aggrieved by her such exclusion from the said interview, she, along with some other candidates, had filed the WPA 23606 (W) of 2018.

The learned Single Judge of this Court, by an order dated January 16, 2019 *inter alia* had observed that “*it would be iniquitous to deny participation of the petitioners in the interview of the said selection process*”.

The Commission thereafter, had allowed the petitioner to participate in the said interview but had excluded her from counseling on the ground that she has crossed the upper age-limit.

Mr. Chowdhury, learned advocate for the petitioner further submits that the petitioner was given age relaxation in terms of the first proviso appended to Sub-rule (4) of Rule 4 of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Teachers in Upper Primary Level) Rules, 2015(hereinafter referred to as the ‘said Rules of 2015’ in short) and was allowed to participate in the interview in compliance with the order of the learned Single Judge of this Court dated January 16, 2019, the said order since has not been challenged, the Commission cannot re-open the issue of over-age of the petitioner.



Dr. Patra, learned advocate for the Commission submits that order dated January 16, 2019 was an interim order passed with a rider that the participation in the interview would not create any equity in favour of the petitioner, besides, the said Rules of 2015 have been superseded by the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Teachers in Upper Primary Level) Rules, 2016 (hereinafter referred to as the 'said Rules of 2016' in short) and the first proviso appended to Rule 4 thereof prescribes the situation for age relaxation of a candidate of the said selection process which does not cover the case of the petitioner.

Having heard the learned counsel for the parties and on perusal of the materials-on-record, this Court is of the *prima facie* view that the age relaxation given to the petitioner under the said Rules of 2015 cannot be done away with by the subsequent Rules of 2016.

To deal with the issue effectively, the Commission shall file affidavit-in-opposition to the writ petition within a period of *two weeks* after reopening of the Court following the ensuing Winter Vacation; reply thereto, if any, be filed by the petitioner within a period of *one week* from the date of receipt of the copy of the said affidavit.

There is no scope of any interim order(s) at this stage, needless to say that, in the event the petitioner is found eligible for age relaxation, as prayed for, the Commission shall arrange for counseling.



Let the matter appear in the list **five weeks hence** for final disposal.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**