

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.20883 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16779 OF 2013)

STATE OF WEST BENGAL & ORS.

...APPELLANT(S)

VERSUS

THE MANAGING COMMITTEE, NIRJHARINI  
S.B.VIDYALAYA (H.S) ETC.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO.20884 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16784 OF 2013)

CIVIL APPEAL NO.20886 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16780 OF 2013)

CIVIL APPEAL NO.20887 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16782 OF 2013)

CIVIL APPEAL NO.20888 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16783 OF 2013)

CIVIL APPEAL NO.20889 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.16781 OF 2013)

CIVIL APPEAL NO.20890 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.19185 OF 2013)

CIVIL APPEAL NO.20891 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.19202 OF 2013)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The issue relates to the selection of the  
Non-Teaching Staff in the High or Higher Secondary  
Schools in the State of West Bengal. While the

process of selection was pending, the West Bengal School Service Commission (Amendment Act, 2008) and the West Bengal School Service Commission (Selection of persons for Appointment to the Post of Non-Teaching Staff) Rules 2009 were introduced. The applicability of the said Act and Rules is the issue.

Since no vested rights arise in favour of the candidates merely by the initiation of selection process, the new scheme certainly could be applied to the selection process. The learned Single Judge of the High Court took this view which has been reversed in the impugned judgment.

We are of the view that Division Bench is not justified in interfering with the view taken by the learned Single Judge.

Accordingly, we set aside the impugned order and allow these appeals.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
5<sup>th</sup> DECEMBER, 2017

.....J.  
[UDAY UMESH LALIT]



order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

ITEM NO.8

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16779/2013

(Arising out of impugned final judgment and order dated 05-10-2012 in FMA No. 998/2011 passed by the High Court At Calcutta)

STATE OF W.B.

Petitioner(s)

VERSUS

MANAGING C. ,NIRJHARINI S.B.VIDYALAYA (H.S)

Respondent(s)

WITH

SLP (C) No. 16784/2013 (XVI)

SLP (C) No. 16780/2013 (XVI)

SLP (C) No. 16782/2013 (XVI)

SLP (C) No. 16783/2013 (XVI)

SLP (C) No. 16781/2013 (XVI)

SLP (C) No. 19185/2013 (XVI)

SLP (C) No. 19202/2013 (XVI)

Date : 05-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Kunal Chatterji, Adv.  
Mr. Chanchal Kumar Ganguli, AOR

Mr. Parijat Sinha, AOR

Mr. Anip Sachthey, AOR

For Respondent(s) Mr. T. Mahipal, AOR  
Mr. Pawan Kumar Bansal, Adv.

Mr. Soumya Chakraborty, Sr. Adv.

Mr. Danish Zubair Khan, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed

order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER