

ITEM NO.54

COURT NO.13

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 47466/2025

[Arising out of impugned final judgment and order dated 16-07-2025
in MAT No. 1025/2025 passed by the High Court at Calcutta]

REHANA BEGAM & ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

IA No. 209922/2025 - ADDITION / DELETION / MODIFICATION PARTIES,
IA No. 209919/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 209920/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES AND IA No. 209918/2025 - PERMISSION TO
FILE PETITION (SLP/TP/WP/..)

Date : 29-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Amit Pawan, AOR
Mr. Hassan Zubair Waris, Adv.
Ms. Shivangi Singh Rawat, Adv.
Ms. Aastha Shrestha, Adv.
Mr. Suchit Singh Rawat, Adv.

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.

Mr. Kalyan Bandhopadhyay, Sr. Adv.
Ms. Preetika Dwivedi, AOR
Mr. Rahul Singh, Adv.
Mr. Abhisek Mohanty, Adv.

Mr. Vikram Hegde, Adv.
Ms. Koyeli Bhattacharya, Adv.
Ms. Hima Lawrence, AOR
Mr. Ashuthosh Yadav, Adv.

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

Permission to file the special leave petition is granted.

Issue notice and tag with SLP(C) Diary No. 46049/2025, titled "*Bibek Paria & Ors. vs. The State of West Bengal & Ors.*" and connected matters.

Mr. Kunal Mimani, learned counsel, and Ms. Preetika Dwivedi, learned counsel, who are present in Court, waive service and accept notice on behalf of the State of West Bengal and the West Bengal Central School Service Commission respectively. Hence, notice need not be served on the said respondents.

Notice upon the unrepresented respondents shall be served by all modes, including *dasti*.

Counter affidavit/reply shall be filed by the contesting respondents within three weeks.

Rejoinder thereto, if any, may be filed within two weeks thereafter.

By order dated 21.08.2025 passed in SLP(C) Diary No. 46049/2025, this Court directed as follows: -

"xxx

xxx

xxx

We direct that, in the meanwhile, 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 in 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.

The last date for submission of applications insofar as such candidates are concerned shall stand extended by ten days.

Further process of selection shall be postponed accordingly.

xxx

xxx

xxx"

We are informed that the West Bengal Central School Service Commission¹ brought out a public notice in newspapers on 22.08.2025 giving ten days' time to all the candidates, who are entitled to appear in the selection tests pursuant to the aforestated direction, to submit their applications.

We are further informed that most of the candidates covered by the aforestated direction have submitted their applications. In the event any candidate is unable to submit his/her application online, the same may be submitted by way of a physical/hard copy on or before 02.09.2025. Further, if any person who is entitled to appear in the selection tests, in terms of the aforestated direction, chooses not to come forward to submit his/her application, be it for whatever reason, the matter will stand closed.

As the Commission has already made arrangements to hold the

1 "The Commission", for short

selection tests on 07.09.2025 and 14.09.2025, we are of the opinion that no postponement is warranted at this stage. The last sentence in the aforestated order dated 21.08.2025 that the further process of selection shall be postponed, therefore, need not be acted upon.

We take on record the statement made by the learned senior counsel appearing for the Commission that all the appointed teachers, who are entitled to appear for the selection tests pursuant to the aforestated direction of this Court, would be permitted to appear in both the tests, that is, the test meant for selection of teachers for classes IX and X (secondary) as well as the test meant for selection of teachers for classes XI and XII (higher secondary), scheduled to be held on 07.09.2025 and 14.09.2025 respectively.

As we have already directed that the list of tainted candidates should be placed in the public domain within a period of seven days, *vide* our order dated 28.08.2025 passed in SLP(C) No. 23784/2025, we also take on record the statement of the learned senior counsel appearing for the Commission that none of the tainted candidates would be permitted to appear in the selection tests scheduled to held on 07.09.2025 and 14.09.2025. He further states that if any tainted candidate slips through the net and manages to appear for the test(s), the notice dated 25.08.2025 issued by the Commission stating that eligibility/ineligibility of candidates would be examined in the post-examination stage would come to the aid of the Commission in weeding out such tainted candidates, who are wholly ineligible in terms of the judgment

passed by this Court in *The State of West Bengal & Ors. vs. Baishakhi Bhattacharyya (Chatterjee)*².

The statements made by the learned senior counsel appearing for the Commission are taken on record and shall be binding on it.

Learned counsel for the petitioners are at liberty to address a letter to the learned Advocate-on-Record for the Commission, if they come to know of any tainted candidate who managed to secure an Admit Card for the selection tests, so that necessary action may be taken by the Commission to prevent him/her from appearing in the test(s).

(BABITA PANDEY)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)