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**(2025) 09 CAL CK 0716**  
**In the Calcutta High Court, Appellate Side**  
**Case No : W.P.A. No 14211 Of 2025**

Sadrun Nesha

APPELLANT

Vs

State of West Bengal and others

RESPONDENT

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**Date of Decision :** 11-09-2025

**Acts Referred:**

**Citation :** (2025) 09 CAL CK 0716

**Hon'ble Judges :** Saugata Bhattacharyya, J

**Bench :** Single Bench

**Advocate :** Chittapriya Ghosh, Somesh Kumar Ghosh, Arindam Chattopadhyay, Lipika Chatterjee, Sutanu Kumar Patra, Supriya Dubey, Koyeli Bhattacharyya, Bibek Dutta

**Final Decision :** Dismissed

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## Judgement

Saugata Bhattacharyya, J

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. In terms of the previous order report in the form of affidavit is filed on behalf of the Commission and same is taken on record.
3. Learned advocate for the petitioner submits that petitioner is not willing to file an exception to this report.
4. Petitioner participated in the 1st State Level Selection Test, 2016 for classes IX-X as well as in 1st State Level Selection Test, 2016 for upper primary level of classes.
5. Learned Advocate representing the petitioner submits that she was selected in 1st SLST, 2016 for classes IX-X and on being recommended by the West Bengal Central School Service Commission (hereinafter referred to as 'Commission') she joined the post of Assistant Teacher in secondary section of a Government aided school.

6. It is also submitted that petitioner raised grievance before the Grievance Redressal Authority of the Commission and same was disposed of vide order dated 30th September, 2021. While rejecting the contention of the petitioner it was stated in order dated 30th September, 2021 that as per norms candidate cannot apply for the post in same or below pay scale. Therefore, petitioner's candidature was not entertained. Consequently, petitioner was not permitted to appear in personality test.

7. Petitioner lost her job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in civil appeal arising out of Special Leave Petition (Civil) No.9586 of 2024 (State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.). Petitioner now prays for direction upon the Commission which would permit her to participate in the personality test for being selected in 1st SLST, 2016 (Upper Primary).

8. State respondents, Commission and West Bengal Board of Secondary Education are represented by learned advocates.

9. Dr. Patra, learned advocate representing the Commission submits that personality test in connection with 1st SLST, 2016 (Upper Primary) was held in 2021-2022 in terms of the order of the Hon'ble Division Bench. It is also submitted that selection process of 1st SLST, 2016 (Upper Primary) is almost complete and 8th round of counselling was conducted on 1st August, 2025. Therefore, according to the Commission if at this stage petitioner is permitted to participate in the personality test in connection with 1st SLST, 2016 (Upper Primary), that would unsettle the selection process where 8th round of counselling is over.

10. Having considered the respective submissions made on behalf of the parties this Court finds that it is true the petitioner has lost job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in Baishakhi Bhattacharyya (Chatterjee) (supra) and at the material point of time when personality test was conducted in connection with 1st SLST, 2016 (Upper Primary), petitioner was working in a school for higher classes.

11. It is also submitted on behalf of the petitioner that her prayer was wrongly disallowed by the Grievance Redressal Authority of the Commission vide order dated 30th September, 2021 and it was endorsed in the said order dated 30th September, 2021 that similar other matters were pending before the Hon'ble Court and fate of the application would be determinate on the basis of those matters.

12. It is submitted on behalf of the Commission that similarly circumstanced other petitioners who approached this Court were permitted to participate in the interview which was held in 2022. However, petitioner did not pursue remedy after order was passed by the Grievance Redressal Authority of the Commission on 30th September, 2021.

13. Representation was preferred on 30th May, 2025 after the judgment was delivered by the Hon'ble Supreme Court dated 3rd April, 2025 in Baishakhi Bhattacharyya (Chatterjee) (supra) when petitioner realised that she lost job. However, from said representation dated 30th May, 2025 it also transpires that petitioner was aware of the decision of the Grievance Redressal Authority of the Commission which was taken on 30th September, 2021. Meanwhile, 1st State Level Selection Test, 2016 (Upper Primary) is on the verge of completion and 8th round of counselling was held on 1st August, 2025.

14. If today Court accepts the contention of the petitioner and directs the concerned authority of the Commission to conduct personality test for the petitioner at the stage when selection process, i.e., 1st SLST, 2016 (Upper Primary) is almost complete, it would unsettle the entire selection process that would lead to a topsy-turvy situation. Once a candidate does not participate in the personality test his/ her right to be considered for appointment on being empanelled is withered away.

15. Hence, at this stage no relief can be granted to the petitioner.

16. Writ petition stands dismissed.

17. However, there shall be no order as to costs.

18. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.