
(2025) 10 CAL CK 1253
In the Calcutta High Court, Appellate Side
Case No : W.P.A. 22766 Of 2025

Supriti Mandal & Ors

APPELLANT

Vs

State of West Bengal & Ors

RESPONDENT

Date of Decision : 28-10-2025

Acts Referred:

Right of Children to Free and Compulsory Education Act, 2009 — Section 23(2)

Citation : (2025) 10 CAL CK 1253

Hon'ble Judges : Saugata Bhattacharyya, J

Bench : Single Bench

Advocate : Firdous Samim, Gopa Biswas, Hasanuz Zaman Molla, Ankita Ghosh, Rajashree Saha, Salini Bhattacharya, Piyali Sengupta, Tarun Kumar Sur, Sutanu Kumar Patra, Supriya Dubey

Final Decision : Dismissed

Judgement

Saugata Bhattacharyya, J

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Document filed in support of depositing Court fee is taken on record.
3. Petitioners participated in 1st State Level Selection Test, 2016 (Upper Primary) not as in service candidates but as fresh candidates. Admittedly petitioners did not have teacher training qualification at the relevant point of time when application was submitted in response to Recruitment Notification issued vide memo dated 23rd September, 2016. Subsequently, petitioners obtained training qualification in 2018 onwards and prayer is made for consideration of their candidature in 1st State Level Selection Test, 2016 (Upper Primary).
4. It is also submitted that while second phase of selection process was initiated in terms of the direction of a coordinate bench from Rule 12(2) stage petitioners uploaded their testimonials but they were not adjudged as eligible candidates for the aforesaid selection process which prompted some of the petitioners to

approach Grievance Redressal Committee. One order of Grievance Redressal Committee dated 17th August, 2021 is annexed at pages 97 and 97A of this writ petition.

5. It is submitted on behalf of the petitioners that after accommodating trained candidates if vacancies are available untrained candidates who offered their candidature may be considered for appointment for the post of assistant teachers in upper primary level of classes in secondary and higher secondary schools.

6. State respondents and West Bengal Central School Service Commission are represented by learned advocates. It is submitted that selection of candidates for the post of assistant teacher in upper primary level of classes which is confined to fresh candidates is complete and panel has expired on 25th September, 2025. It is submitted that at this belated stage there is no scope for considering candidature of the petitioners who are untrained candidates and it is also submitted that untrained candidates are not eligible for consideration for the post of assistant teachers in connection with 1st State Level Selection Test, 2016 (Upper Primary).

7. It is also contended on behalf of the Commission that petitioners did not participate in personality test which was held in 2021-2022.

8. Having considered the respective submissions made on behalf of the parties it appears that when petitioners were adjudged as ineligible candidates being untrained they could have voiced their grievances by taking appropriate steps. From the order dated 17th August, 2021 issued by the Grievance Redressal Committee it further appears that the grievance of the petitioners was considered and petitioners were treated being untrained not eligible. Though such order was passed on 17th August, 2021 but the present writ petition is filed on 19th September, 2025. In the meantime entire selection process is complete and panel expired on 25th September, 2025. At this belated stage whether petitioners are eligible to be considered for the post of Assistant teachers in connection with 1st State Level Selection Test, 2016 (Upper Primary) being untrained candidates ought not to be delved into. Moreover, on behalf of the petitioners reliance is placed on 2nd proviso to Section 23(2) of the Right of Children to Free and Compulsory Education Act, 2009 in order to demonstrate that petitioners since applied in 2016 as untrained candidates needs to be considered as eligible candidates. However, on perusal of 2nd proviso to Section 23(2) it appears that same is applicable for in-service teachers not for fresh candidates.

9. In view of aforesaid consideration no relief can be granted at this belated stage.

10. Writ petition stands dismissed.

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