
(2020) 01 CAL CK 0152

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 709, 712, 714, 715, 717, 737, 988, 990, 991, 992, 993, 997, 1330, 1332, 1333, 1335, 1337, 3112 Of 2014, 475, 477, 478, 481, 483 (W) Of 2018, Civil Application (CAN) No. 7380 Of 2018, 4 Of 2020

Trisha Bhattacharjee And Others

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 24-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0152

Hon'ble Judges : Rajasekhar Mantha, J

Bench : Single Bench

Advocate : Subrata Mukhopadhyay, Saisy Basu, Santanu Kr. Patra, Kanak Kiran Bandopadhyay, K.M. Hossain, Parvej Anam, Bhaskar Prasad Vaisha, Suman Dey, Chaitali Bhattacharya, Mrinal Kanti Ghosh, T. M. Siddique, Sanjib Das, B. B. Mallick

Judgement

Rajasekhar Mantha, J

Having heard Mr. Subrata Mukhopadhyay for the petitioners at length and Mr. Bandyopadhyay for the West Bengal School Service Commission, the only question that needs to be decided in the instant writ petitions is as to whether

(a) the combined merit list in detail was published on the same date i.e. 25th September, 2013 along with the final list of candidates who were actually appointed and those who were empanelled in the waiting list. Thus two lists were to be published. The first is the total combined merit list of all candidates and secondly the final panel of about 54,000 candidates i.e. 1.5 times of the appointed candidates i.e. 36,140;

(b) it must also be determined as to what was the total provisional vacancy position at the time of issuance of the advertisement for the aforesaid recruitment process and the total subject wise final vacancy list based on which orders of appointment were issued;

(c) it must also be ascertained as to whether the principle laid down by a Coordinate Bench in the case of Tania Ghosh & Ors. vs. State of West Bengal in W.P. No. 1019(W) of 2013 was followed by the Commission, i.e. the first preference of appointment to be given to candidates with B.Ed. qualification and thereafter to fill up vacancies with candidates not possessing such qualification.

For a fair and effective determination of the aforesaid issues, the West Bengal School Service Commission is directed to produce the following documents before this Court irrespective of volume. Such documents should be made available on record on or before February 6, 2020 to enable learned counsel for the petitioner and/or his clients to inspect the same.

- (a) The total vacancy position in all subjects as on the date of advertisement;
- (b) The total actual vacancy position subject wise as on 25th September, 2000;
- (c) The combined merit list of all candidates who qualified in the personality test;
- (d) The final actual panel from which this Court can reasonably ascertain (to comprise in about 54,000 candidates i.e. 1.5 times of 36,145) the persons actually appointed.
- (e) The actual list in order of merit of the persons who have been actually appointed, subject-wise, region-wise, medium of instruction-wise, reserve category wise and gender wise in the subjects of English, Geography and Bengali.

Lists shall be produced on the basis of Pass as well as Honours categories.

Let these matters stand over and be listed on 6th February, 2020.