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Mehebuba Khatun & Ors vs State Of West Bengal & Ors on 31 August, 2026

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Calcutta High Court (Appellete Side)

Mehebuba Khatun & Ors vs State Of West Bengal & Ors on 31 August, 2026

Author: Aniruddha Roy

Bench: Aniruddha Roy





Form J(2)
Sl.No.8&9
Sc

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 23207 OF 2026

Mehebuba Khatun & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 23209 OF 2026

Sabina Khatun & Ors.
Vs.
The State of West Bengal & Ors.

For the petitioners in
WPA 23207 of 2026 : Mr. Pratik Dhar, Sr. Adv.
Mr. Pritam Choudhury, Adv.
Mr. Samir Haldar, Adv.
Mr. Shekawat Khandakar, Adv.
Mr. Snehal Sinha, Adv.
Mr. Dipankar Bhakta, Adv.

For the petitioners in
WPA 23209 of 2026 : Mr. Pritam Chowdhury, Adv.
Mr. Dipankar Bhakta, Adv.
Mr. Shekawat Khandakar, Adv.

For the Respondent State
in both writ petitions : Mr. Sahasrangshu Bhattacharjee, Ld. AGP
Mr. Suchindram Bhattacharjee, Adv.

WPA 23207 of 2026 & WPA 23209 of 2026
A.Roy, J.



For the Respondent S.S.C.
in both writ petitions : Mr. Nilanjan Bhattacharya, Sr. Adv. (VC)
Mr. Sunit Kr. Roy, Adv.

For the Respondent W.B.B.S.E.
in both writ petitions : Ms. Koyeli Bhattacharyya, Adv.

Mr. Bibek Dutta, Adv.

Heard on : August 31, 2026

Judgment on : August 31, 2026

[In Court]

Aniruddha Roy, J. :

1. Upon urgency being shown and since the regular determination has been assigned before this Bench, these matters have been directed to appear in the list today and have been taken up for consideration after being satisfied with the urgency involved therein.

2. Affidavit-of-service, filed in Court today, is taken on record.

3. Since identical issues both on facts and law are involved in these two writ petitions, both the writ petitions are taken up for consideration on merits together and are decided through this single Judgment.

Facts :

4. Petitioners at present are the aspirants for Second State Level Selection Test, 2025 (hereinafter, SLST, 2025) and the petitioners are collectively referred to as the SLST aspirants.



5. The notification inviting applications from the SLST aspirants was published on May 30, 2025, Annexure-P8 at page 141 to the writ petition. Pursuant to the said notification, the petitioners applied.

6. Petitioners had qualified in the written examination. On January 21, 2026 the Final Merit List with Warning List was published. Petitioners applied as OBC-A candidates and had travelled up to the stage of publication of Final Merit Panel, as such.

7. On August 19, 2026, Annexure-P18 at page 195 to the writ petition, the Central School Service Commission had published a notification to the effect that, if any candidate fails to mention their OBC-Sub Category/Category details within the stipulated timeframe of August 25, 2026, their candidatures shall automatically be treated under the Unreserved (General) Category. No further representation or extension requests will be entertained under any circumstance. An identical notification was also issued by the Central School Service Commission on August 21, 2026, Annexure-P19 at page 196 to the writ petition. On August 11, 2026 the Central

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School Service Commission issued another notice to notify that, the counseling process for the empanelled candidates which was scheduled on August 14, 2026 was deferred until further notice, Annexure-P17 at page 194 to the writ petition.

8. Petitioners through the instant writ petition have impugned the said action of the Central School Service Commission and filed the writ petition with the following reliefs:



"A. ISSUE a Writ of Certiorari, or a writ/order/direction in the nature of Certiorari, quashing/declaring as inapplicable to the ongoing SLST-2 (2025) recruitment process the Letter No.946/Secy-BCW/MR-23/2026 and Notifications No.944/Secy-BCW/MR-23/2026 and 945/Secy-BCW/MR-23/2026, all dated 18.05.2026, and the Notification No.1060/Secy/BCW/7P-63/2024 dated 07.08.2026 issued by the Backward Classes Welfare Department, insofar as they purport to apply to or affect SLST-2 (2025);

and

B. ISSUE a Writ of Mandamus, or a writ/order/direction in the nature of Mandamus, declaring that, for the purposes of SLST-2 (2025), determination of "Reserved Category" shall be governed by Rule 2(1)(r) of the West Bengal School Service Commission (Selection for Appointment to the Post of Assistant Teachers) Rules, 2025, with reference to the reservation policy in force as on 02.09.2025, being the last date for receipt of online applications, and that the recruitment process be completed accordingly; and

C. ISSUE a Writ of Certiorari and/or Mandamus, or a writ/order/direction in the nature thereof, quashing and/or setting aside Notification Memo No. Admin/2293-B dated 10.08.2026 issued by the West Bengal Board of Secondary Education and Memo No. Notification 1418/7016/CSSC/ESTT/2026 dated 11.08.2026 issued by the West Bengal Central School Service Commission, insofar as the said notifications have resulted in suspension of the verification and counselling processes in SLST-2 (2025), Classes XI-XII, and consequently direct the Respondents to forthwith resume and complete the verification, counselling, recommendation and all consequential stages of the recruitment process in accordance with the 2025 Rules and without retrospectively applying the subsequent reservation regime to the said recruitment; and

D. ISSUE a Writ of Certiorari, or a writ/order/direction in the nature of Certiorari, quashing and/or setting aside Notification/Memo No. 1454/7016/CSSC/ESTT/2026 dated 19.08.2026 issued by the West Bengal Central School Service Commission, insofar as the same requires candidates included in the Final Merit Panel for SLST-2 (2025) to re-declare their OBC Sub-Category/Unreserved Category and provides for automatic



treatment of the candidature under the "Unreserved (General) Category" upon failure to comply within the stipulated period, and further excludes any representation or extension in that

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regard;

E. of ISSUE a Writ of Mandamus, or a writ/order/direction in the nature Mandamus, directing the Respondents to forthwith resume and complete the verification and counselling processes and all consequential stages of the recruitment process for SLST-2 (2025), Classes XI-XII, in accordance with the 2025 Rules and the reservation regime applicable to the recruitment in terms of Rule 2(1)(r) thereof, without giving effect to the aforesaid Notifications dated 10.08.2026, 11.08.2026, 19.08.2026;

F. Issue an appropriate writ, order or direction restraining the Respondents, pending disposal of the present Writ Petition, from acting upon or giving effect to Notification Memo No. Admin/2293-B dated 10.08.2026, Notification Memo No. 1418/7016/CSSC/ESTT/2026 dated 11.08.2026 and Notification/Memo No. 1454/7016/CSSC/ESTT/2026 dated 19.08.2026, and Notification/Memo No.1468/7016/CSSC/ESTT/2026 dated 21.08.2026, insofar as the said notifications operate to suspend, stop, recast or otherwise alter the verification, counselling, recommendation or category-wise placement of candidates included in the Final Merit Panel for SLST-2 (2025)

G. PASS such other order/orders as your lordships may deem fit and proper in the facts and circumstances of the instant case."

Submissions :

9. Mr. Pratik Dhar, learned Senior Advocate appearing for the petitioners referring to a Judgment of the Hon'ble Division Bench dated May 22, 2024 rendered In the matter of : Amal Chandra Das -vs.- State of West Bengal & Ors. reported at 2024 SCC OnLine Cal 5389 submits that, by virtue of this judgment caste certificates of several Classes, as mentioned therein, have been struck down and, as a result at present, the petitioners cannot produce any caste certificate and automatically pursuant to the



impugned notifications at pages 195 and 196 of the writ petition, the candidatures of the petitioners would be treated under the Unreserved (General) Category.

10. Learned Senior Advocate Mr. Pratik Dhar submits that, initially the State had preferred a Special Leave Petition from the said judgment of the Hon'ble Division Bench and subsequently withdrew it. The order of withdrawal of Special Leave Petition is dated July 14, 2026 at page 180.

11. Learned Senior Advocate Mr. Pratik Dhar appearing for the petitioners submits that, in view of the withdrawal of the said Special Leave Petition, the said judgment of the Division Bench In the matter of : Amal Chandra Das (supra) stands and still holds the field. He then has relied upon a particular direction from the said Judgment of the Hon'ble Division Bench, which is quoted below :

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"**********
**********
k) The services of citizens from the 77 classes and 37 classes (added in the exercise of Section 16) struck down above, who are already in the service of the State, or have already availed the benefit of reservation or have succeded in any selection process in the State, shall not be affected by the reason of this judgment.
**********
**********''

12. Referring to the said direction, quoted above, Mr. Dhar submits that, the petitioners belonged to "Mondals" and were included within 77 Classes mentioned in the said direction by the Honb'le Division Bench whose services were also struck down but who are in service of the State or have



already availed the benefit of reservation or have succeeded in any selection process in the State shall not be affected by reason of the said judgment of the Hon'ble Division Bench.

13. Learned Senior Advocate then submits that, the petitioners were admittedly in service as untainted candidates in the 1st SLST, 2016 (hereinafter, SLST, 2016). Petitioners had availed of the benefits of their respective caste certificates and were selected in the said SLST, 2016 and secured their respective appointments after availing of the benefits of reservation. Therefore, the petitioners being successful candidates in the selection process of SLST, 2016, their caste reservation shall not be affected by virtue of the said Division Bench judgment and the same has been protected.

14. Mr. Dhar then has referred to an order of the Hon'ble Supreme Court dated November 26, 2025 passed In the matter of : Bibek Paria & Ors. -vs.- The State of West Bengal & Ors. ETC. where the Hon'ble Supreme Court had observed as under :

> "The High Court shall also be mindful of the fact that the untainted candidates in the past selection were allowed to sit for the selection tests to be held afresh and their candidature cannot be adversely affected by application of the new Rules, that is, 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."

15. Referring to the above observation of the Hon'ble Supreme Court learned Senior Advocate submits that, any provision under the West Bengal



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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 (hereinaftger, 2025 Rules) shall not adversely affect the petitioners who succeeded in SLST 2016. The candidatures of the untainted candidates in SLST, 2016 were also allowed to sit for the selection test to be held afresh, i.e. SLST, 2025, at present.

16. On behalf of the petitioners it is further submitted that, on a harmonious and meaningful reading of the Judgment of the Hon'ble Division Bench and the order of the Hon'ble Supreme Court, referred to above, it would be evident that the intention of the Court was always to protect the untainted candidates who had been selected as caste candidates under the reserved categories.

17. It is further submitted that, in respect of the SLST, 2025 the Final Merit List has been published where the names of the petitioners had featured after they had participated as reserved candidates. Therefore, if the candidatures of the petitioners are now converted into General Category, the rule of the game of the selection process will be changed, which is not permitted in law and the rights and interests of the petitioners will be irreparably jeopardised. In support, Mr. Dhar has referred to a decision of the Hon'ble Supreme Court rendered In the matter of : Tej Prakash Pathak and Ors. -vs.- Rajasthan High Court & Ors., reported at (2025) 2 SCC 1.





18. Mr. Dhar then has referred to an order dated August 29, 2025, Annexure-P10 at page 160 to the writ petition which was passed by the Hon'ble Supreme Court in connection with the SLST, 2025 where the Hon'ble Supreme Court had observed as under :

> "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.

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Further process of selection shall be postponed accordingly.

XXX XXX XXX"

19. Relying upon the above observation of the Hon'ble Supreme Court learned Senior Advocate Mr. Dhar submits that, it was all along the intention of the Hon'ble Supreme Court not to apply the new eligibility criteria upon the untainted candidates in SLST, 2016 who were allowed to participate in the SLST, 2025.

20. In the light of the above, the petitioners pray for the reliefs as claimed in the writ petition.

21. Ms. Koyeli Bhattacharyya, learned Advocate appearing for the West Bengal Board of Secondary Education (hereinafter, the Board) at the threshold



submits that, the said judgment of the Hon'ble Division Bench In the matter of : Amal Chandra Das (supra) was on the validity of the caste certificates where the Hon'ble Division Bench found that the relevant caste certificates for the categories, mentioned in the judgment, were liable to be set aside and, as such, on the basis of those certificates the category of reserved classes who obtained their job, their services were struck down subject to certain conditions mentioned therein.

22. Mr. Bhattacharya, learned Advocate submits that, the selected panel of SLST, 2016 was under challenge when the Hon'ble Division Bench by its judgment In the matter of : Amal Chandra Das (supra) had set aside the entire selection process of SLST 2016. State went up through the Special Leave Petition before the Hon'ble Supreme Court when the Hon'ble Supreme Court by its judgment dated April 3, 2025, In the matter of : State of West Bengal -vs.- Baishakhi Bhattacharyya (Chatterjee) & Ors., passed in Special Leave Petition (Civil) No. 9586 of 2024 had upheld the decision of the Hon'ble Division Bench whereunder the entire selection process of SLST, 2016 was set aside and cancelled.

23. Ms. Bhattacharyya, learned Advocate appearing for the Board submits that, the issues are completely different and independent of each other.

24. Ms. Bhattacharyya, learned Advocate for the Board further submits that, when the entire selection process of SLST, 2016 has been declared to be bad and was set aside, these petitioners, even though untainted

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candidates, cannot claim any right as reserved candidates or even otherwise, except to the extent their right is protected by the Hon'ble Supreme Court In the matter of : Baishakhi Bhattacharyya (Chatterjee) (supra).

25. Referring to the said Judgment In the matter of : Amal Chandra Das (Supra) Ms. Bhattacharyya, learned Advocate for the Board submits that, the judgment was dated May 22, 2024 when the reserved categories, mentioned therein, were set aside and the petitioners claim to belong to such categories had applied for the SLST, 2025 much subsequent thereto when they had already lost their status as reserved categories and, therefore, they cannot challenge the selection procedure of SLST, 2025 by claiming their right under the reserved category. SLST, 2025 is a fresh selection process and an independent selection process having no nexus or connection with the previous SLST, 2016.

26. Ms. Bhattacharyya learned Advocate for the Board then submits that, to make a workable arrangement, the Hon'ble Supreme Court from time to time has passed orders allowing the untainted candidates to continue with their respective job as an ad hoc arrangement but without creating any right or equity in their favour insofar as the fresh recruitment process is concerned.

27. On instruction from her client, she further submits that, even today the tenure of such working arrangement has been extended by the Hon'ble Supreme Court for a further period of nine months.



28. In the light of the above submissions, Ms. Bhattacharyya submits that, the petitioners do not have any right to maintain this writ petition and this writ petition should be dismissed in limine.

29. Mr. Sunit Kr. Roy, learned Advocate led by Mr. Nilanjan Bhattacharya, learned Senior Standing Counsel (VC) appearing for the Central School Service Commission, at the threshold, has adopted the submissions made by Ms. Koyeli Bhattacharyya, learned Advocate for the Board both on facts and law.

30. Learned Senior Standing Counsel then submits that, the impugned notification at pages 195 and 196 have been issued by the Central School

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Service Commission pursuant to the decision of the State dated August 7, 2026 at page 189 to the writ petition. Learned Senior Standing Counsel submits that, it is the policy decision of the State. The policy decision has not been challenged by the petitioners and inasmuch as, the petitioner do not have any right to do so also. Learned Senior Standing Counsel further submits that until the appointment is received by the petitioner, the petitioners do not have any right to challenge the selection process on whatever counts.

31. Further it is submitted by the learned Senior Standing Counsel that, the judgment In the matter of : Amal Chandra Das (supra) would have no assistance to the petitioners, as the issue was wholly different. The order of the Hon'ble Supreme Court dated November 26, 2025 In the matter of : Bibek Paria & Ors. (supra) would also of no assistance to the petitioners because the order mandates that, the said 2025 Rule will not adversely affect



the untainted candidates in the next selection process. The Reservation Policy is different from the said 2025 Rule. In any event, after the said judgment of the Hon'ble Division Bench In the matter of : Amal Chandra Das (supra), the petitioners cannot claim any right as Reserved candidates.

32. In the light of the above submissions, learned Senior Standing Counsel also prays for dismissal of the writ petition.

Decision :

33. After considering the rival contentions of parties and on perusal of the materials on record, this Court first and at the threshold proceeds to scrutinise whether in the given set of facts and circumstance the petitioners have any right to maintain this writ petition or whether any right of the petitioners, constitutional or legal, has been infringed by the acts complained of in the writ petition, at the behest of the State authorities.

34. To maintain a writ petition the petitioners, at the threshold, must establish that they have a valid and lawful right to enforce before a Constitutional Court in exercise of its power under Article 226 of the Constitution of India.

35. Petitioners claim that, in the previous selection process SLST 2016, the petitioners were selected as Teachers and worked as such after being selected under the reserved category. The certificates of reservation on the strength whereof the petitioners were selected under the reserved category were

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subsequently under challenge before the Hon'ble Division Bench of this Court.



The Hon'ble Division Bench after adjudicating the issue In the matter of : Amal Chandra Das (supra) had held that, the reserved categories to which, inter alia, the petitioners belonged to, were struck down and accordingly the services of such Reserved category candidates were also struck down with certain protection mentioned in the judgment. The said decision of the Hon'ble Division Bench has arrived its finality after the concerned Special Leave Petition having been withdrawn by the State, as already discussed above. The said Judgment was delivered In the matter of : Amal Chandra Das (supra) on May 22, 2024. The selection process for SLST 2025 had commenced when notification inviting applications was issued on May 30, 2025 and consequently the petitioners applied thereto under OBC-A category. Therefore, as on the date of initiation of the process for SLST 2025 the petitioners had no right to apply under the scheduled OBC-A/Reserved category in view of the law laid down In the matter of : Amal Chandra Das (supra).

36. However, the petitioner participated in the selection process. Even if, for the sake of argument it is accepted that during the period when the said Judgment In the matter of : Amal Chandra Das (supra) was stayed the petitioners applied but ultimately after the relevant Special Leave Petition having been withdrawn, the stay was vacated and as a natural consequence the judgment In the matter of : Amal Chandra Das (supra) has arrived to its finality. Thus as on the date of commencement of the SLST 2025 process the petitioners did not have any right to apply under OBC-A/Reserved category.



37. The petitioners though were found to be untainted candidates under the SLST 2016 but ultimately the Hon'ble Supreme Court In the matter of : Baishakhi Bhattacharyya (Chatterjee) (supra) had arrived at the following conclusions:

> "45. The last question relates to the relief and whether it requires any modification. We find no valid ground or reason to interfere with the direction of the High Court that the services of tainted candidates, where appointed, must be terminated, and they should be required to refund any salaries/payments received. Since their appointments were the result of fraud, this amounts to cheating. Therefore, we see no justification to alter

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this direction.

46. For candidates not specifically found to be tainted, the entire selection process has been rightly declared null and void due to the egregious violations and illegalities, which violated Articles 14 and 16 of the Constitution. As such, the appointments of these candidates are cancelled. However, candidates who are already employed need not be asked to refund or restitute any payments made to them. However, their services will be terminated. Furthermore, no candidate can be appointed once the entire examination process and results have been declared void.

47. Some of the appointed candidates who do not fall within the category of tainted candidates may have previously worked in different departments of the State Government or with autonomous bodies, etc. In such cases, although their appointments are cancelled, these candidates will have the right to apply to their previous departments or autonomous bodies to continue in service with those entities. These applications must be processed by the respective government departments or bodies within three months, and the candidates will be allowed to resume their positions. Further, the period between the termination of their previous appointment and their rejoining will not be considered a break in service. Their seniority and other entitlements will be preserved, and they will



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be eligible for increments. However, for the period they were employed under the disputed appointment, no wages will be paid by the State Government or autonomous bodies. Further, if required and necessary, supernumerary posts may be created for persons appointed in the interregnum.

48. Lastly, we address the case of disabled candidates. Our attention has been drawn to one such case where the impugned judgment held that the appointee, Ms. Soma Das, shall be allowed to continue on humanitarian grounds. While we will not interfere with this finding, we make it clear that other differently-abled candidates will not be entitled to the same benefit, as it would contradict legal principles and the rule of law. However, in consideration of their disability, these candidates will be permitted to continue and will receive wages until the fresh selection process and appointments are completed.

49. The disabled candidates mentioned in the previous paragraph will be allowed to participate in the fresh selectio3n process, if required, with age relaxation and other concessions. Similarly, other candidates who are not specifically tainted will also be eligible to participate, with appropriate age relaxation. In our opinion, such a direction would be fair and just, as it would allow these candidates to take part in the fresh selection process, which should now be initiated to fill the vacancies.

50. Our observations and findings would not influence the criminal proceedings.

51. Accordingly, we uphold the impugned judgment cancelling en bloc / entire selection process but have made certain modifications in the directions issued by the High Court. The appeals are disposed of in aforesaid terms.

52. We, however, will independently take up the issue raised in the appeal(s) filed by the State of West Bengal with regard to the direction of investigation by the CBI on the decision taken to create supernumerary posts. The Special Leave Petition(s) to this extent will be listed for hearing on 08.04.2025."



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38. The conclusion of the Hon'ble Supreme Court In the matter of : Baishakhi Bhattacharyya (Chatterjee) (supra) as quoted above shows that, the entire selection process for SLST 2016 was set aside, terminated and cancelled. As a result, the service of the petitioners, even though untainted, were also terminated. The workable arrangement made by the Hon'ble Supreme Court under which the petitioners may be working is an ad hoc arrangement without creating any right or equity in their favour.

39. On harmonious reading of the said Judgment In the matter of : Amal Chandra Das (supra) and Baishakhi Bhattacharyya (Chatterjee) (supra) this Court finds that, since entire panel of SLST 2016 was terminated, the petitioners cannot claim any right thereunder. Petitioners also cannot claim any right, under the Reserved category of OBC-A, after the Judgment In the matter of : Amal Chandra Das (supra).

40. The law is also well-settled that an aspirant cannot challenge the selection process as of right. An aspirant can participate in the selection process if he qualifies the criteria but until an aspirant receives an Appointment Letter, no vested right is created in favour of the aspirant in a selection process. In the facts of this case admittedly, no Appointment Letter has been issued in favour of the petitioner.

41. In the conspectus of the above facts this Court is of the considered and firm view that, the petitioners have no right to maintain this writ petition.

42. Inasmuch as, the notifications at pages 195-196, issued by the Central School Service Commission are in terms of the decision taken by





the State in its communication dated August 7, 2026 at page 189 to the writ petition, which is a policy decision on the basis of the Reservation Policy of the State.

43. The reservation policy of the State is not under challenge. Inasmuch as, the petitioners cannot claim any right or benefit as reserved candidates after the law being settled, as already discussed above.

44. The ratio laid down by the Hon'ble Supreme Court In the matter of : Tej Prakash Pathak & Ors. (supra) is the settled law. In the conspectus of the facts of the instant case, the State has not changed the rule of the game

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but only has adopted the reservation policy of the State. Inasmuch as, the petitioners having no right to challenge the reservation policy, the petitioners cannot question the said notifications.

45. Central School Service Commission has merely adopted the policy of the State.

46. In view of the foregoing discussions and reasons this Court is of the firm and considered view that, both the writ petitions are devoid of any merit and are not maintainable.

47. The writ petitions, WPA 23207 of 2026 and WPA 23209 of 2026 consequently stand dismissed, without any order as to costs.

48. Parties shall act on the server copy of this order duly obtained from the official website of this Court.

49. Photostat certified of this order, if applied for, be furnished expeditiously.



50. A photocopy of this Judgment be kept with the record of WPA 23209 of 2026.

(Aniruddha Roy, J.)

WPA 23207 of 2026 & WPA 23209 of 2026
A.Roy, J.

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