09.09.2026.
Court No.13
Item No. 32
ap

F.M.A. 1002 of 2026
With
I.A. No. CAN 1 of 2026
And
I.A. No. CAN 2 of 2026

Mir Mazharul Islam & Ors.
Versus
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Mr. Somesh Kumar Ghosh.
...For the appellants.

Mr. Debapriya Gupta, Ld. AAGP,
Mr. Pradip Kumar Das.
. ...For the State.

1. Despite service of notice, West Bengal School Service Commission is not represented.

2. The brief facts relevant to the appeal are that the writ petitioners/appellants had obtained ESW Certificate, after the last date of submission of applications for the posts of Assistant Teachers in the 2nd State Level Selection Test, 2025 (in short 2nd SLST, 2025). They applied for certification as ESW before the date of the application in respect of the financial year.

3. The Single Bench found that the appellants were ineligible to apply under the EWS Category.

4. Counsel for the appellants has placed a communication dated 10th August, 2026 issued by the Backward Classes Welfare Department of the State to the West Bengal Central School Service Commission.

5. In the said letter it was clarified that, those who applied for the EWS Certification and had not received

such Certificate at the time of making application under the 2nd SLST, 2025, could be considered as belonging to EWS, if such Certificate is issued subsequently, for the applicable financial year, on which 2nd SLST notice was published.

6. It is submitted that if the School Service Commission accepts the recommendation of the Backward Classes Welfare Department contained in the letter dated 10th August, 2026, the appeal would become academic. The impugned order would not extinguish or stand in the way of the applicants being considered under the EWS Category.

7. Let notice be served on Mr. Nilanjan Bhattacharjee, learned Advocate, who normally represents the West Bengal School Service Commission. He may obtain instructions from the Commission as regards their stand in the light of the aforesaid communication dated 10th August, 2026 issued by the Backward Classes Welfare Department.

8. Let a copy of the said communication dated 10th August, 2026 along with a copy of this order be served both on the Chairman, West Bengal School Service Commission as also their Counsel Mr. Bhattacharjee.

9. List the matter on ***14th September, 2026*** under the same heading.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Anuj Singh, J.*)