

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 23784/2025

[Arising out of impugned final judgment and order dated 14-07-2025 in WPA No. 14723/2025 passed by the High Court at Calcutta]

BEJOY BISWAS & ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

IA No. 207659/2025 - ADDITION / DELETION / MODIFICATION PARTIES,
IA No. 205663/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT AND IA No. 205667/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 26-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Dr. Menaka Guruswamy, Sr. Adv.
Mr. Abhijeet, Adv.
Mr. Gunjeet Singh, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Siddhartha Sinha, AOR

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Debanjan Mandal, Adv.
Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.
Ms. Mahima Cholera, Adv.
Mr. Abhinav Rana, Adv.

Mr. Kalyan Bandhopadhyay, Sr Adv, Sr. Adv.
Ms. Preetika Dwivedi, AOR
Mr. Abhisek Mohanty, Adv.
Mr. Ansh Rajauria, Adv.
Mr. Arka Kumar, Adv.
Mr. Anupam Mishra, Adv.

Mr. Vikram Hegde, Adv.
Ms. Hima Lawrence, AOR
Ms. Koyeli Bhattacharya, Adv.

Ms. Chinmayi Shrivastava, Adv.

Ms. Madhumita Bhattacharjee, AOR

Ms. Debarati Sadhu, Adv.

Mr. Anant, Adv.

Mr. Dhruv Bhalla, Adv.

Mr. B. Jagat Nayan, Adv.

Mr. Shadan Farasat, Sr. Adv.

Mr. Sanchit Garga, AOR

Mr. Harshit Anand, Adv.

Mr. Arkaprava Dass, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

We are informed that a writ petition, being W.P.A. 26288/2025, has been entertained by a learned Judge of the High Court at Calcutta and various issues were flagged by the learned Judge in her orders dated 07.11.2025, 11.11.2025, 12.11.2025 and 19.11.2025 passed therein.

The matters on the file of this Court as on date were kept pending only for the purpose of verifying whether the directions of this Court in *The State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and Ors.*¹ were implemented scrupulously. As a learned Judge of the Calcutta High Court has now taken up that issue also, we are of the opinion that it would be appropriate that the High Court, being the Court of the first instance, undertakes the exercise instead of this Court.

It would be open to the petitioners to approach the High Court for redressal of their lawful grievances in accordance with law.

The High Court shall, however, ensure that none of the tainted

¹ 2025 INSC 437

candidates are permitted to slip through in the fresh selections, be it on any pretext. The High Court shall also ensure that the list of tainted candidates is placed in the public domain with full details so as to ensure that this does not happen.

Learned counsel in some of the cases seek relief in terms of certain paragraphs of the decision in *Baishakhi Bhattacharyya (Chatterjee)* (supra). They are at liberty to raise such hermeneutic exercises before the High Court.

The special leave petition is disposed of in the aforestated terms.

The High Court shall examine the matters uninfluenced by any of the observations on merits made by this Court in the orders passed after the decisions in *Baishakhi Bhattacharyya (Chatterjee)* (supra).

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.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)