

ITEM NO.50

COURT NO.11

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 12660/2023

(Arising out of impugned final judgment and order dated 11-04-2023 in MAT No. 1725/2022 passed by the High Court At Calcutta)

SOUMEN PAUL &amp; ORS.

PETITIONER(S)

VERSUS

SHRABANI NAYEK &amp; ORS.

RESPONDENT(S)

(IA No. 177826/2023 - ADDITION / DELETION / MODIFICATION PARTIES, IA No. 177822/2023 - APPLICATION FOR PERMISSION, IA No. 197348/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 194731/2023 - CLARIFICATION/DIRECTION, IA No. 142450/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 116452/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 189051/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

DIARY NO(S). 25090/2023 (XVI)

(IA No. 194591/2023 - CLARIFICATION/DIRECTION)

SLP(C) NO. 25324/2023 (XVI)

(FOR ADMISSION and I.R. and IA No.215847/2023-CONDONATION OF DELAY IN FILING and IA No.215846/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.215845/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 29-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Rauf Rahim, Sr.Adv./AOR

Mr. P.S. Patwalia, Sr. Adv.  
Ms. Meenakshi Arora, Sr. Adv.  
Mr. Dibyendu Chatterjee, Adv.  
Mr. Aranya Moulick, Adv.

Ms. Reshmi Ghosh, Adv.  
 Ms. Smridhi Babbar, Adv.  
 Mr. Pradumn Singh, Adv.  
 Mr. Nishant Singh, AOR

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.  
 Mr. Rauf Rahim, Sr. Adv.  
 Mr. Dibyendu Chatterjee, Adv.  
 Mr. Ali Asghar Rahim, Adv.  
 Ms. Piyali Paul, Adv.  
 Mr. Shekhar Kumar, AOR

#### For Respondent(s)

Mr. Shyam Diwan, Sr. Adv.  
 Mr. S.Muralidhar, Sr. Adv.  
 Mr. Gaurav Jain, Adv.  
 Ms. Abha Jain, AOR  
 Mr. Narendra Kumar Jin, Adv.  
 Mr. Subir Sanyal, Adv.  
 Mr. Somesh Ghosh, Adv.  
 Mr. Chittapriya Ghosh, Adv.  
 Mr. Narendra Kumar Jain, Adv.  
 Mr. Jaivir Singh, Adv.  
 Mr. Aniteja Sharma, Adv.  
 Mr. Abhishek Misra, Adv.  
 Ms. Deepika Mishra, Adv.

Mr. Biswajit Deb, Sr. Adv.  
 Mr. Anando Mukherjee, AOR  
 Mr. Shwetank Singh, Adv.

Mr. Jaideep Gupta, Sr. Adv.  
 Mr. Kunal Chatterji, AOR  
 Ms. Maitrayee Banerjee, Adv.  
 Mr. Rohit Bansal, Adv.  
 Ms. Kshitij Singh, Adv.  
 Mr. Sohhom Sau, Adv.

Ms. Manisha T. Karia, AOR  
 Ms. Nidhi Nagpal, Adv.  
 Mr. Rohan Trivedi, Adv.  
 Ms. Swapnil Baudh, Adv.  
 Ms. Ananya Arora, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.  
 Mr. Suryodaya Prakash Tiwari, Adv.  
 Mr. Devendra Kumar Shukla, AOR  
 Ms. Shachi Pandey, Adv.  
 Mr. Keshari Kumar Tiwari, Adv.

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

1. *Vide* order dated 22<sup>nd</sup> January, 2024, the respondent-West Bengal Board of Primary Education<sup>1</sup> was directed to file an affidavit furnishing certain details relating to the candidates. The said affidavit has been filed with copies furnished to learned counsel for the other parties.
2. As per the said affidavit, 11,758 posts in different subjects in various categories in all districts across the State of West Bengal were advertised for the post of Assistant Teachers for primary classes. After furnishing the details of the number of candidates, who had applied in response to the advertisement, it has been averred that as per the draft list prepared by the respondents, 9,533 candidates qualify, which includes an additional panel of 5% candidates in accordance with the Rules. It is stated that a total of 2,108 D.El. Ed. candidates have been found to be not qualified amongst pre-2020 batch in the draft list. It is further stated that D.El.Ed. candidates from 2020-2022 course have not been considered in the draft list due to the issue pending in the present matters.
3. Having regard to the fact that as against 11,758 posts in different subjects in various categories in all districts of the State of West Bengal, the respondents have found only 9,533 eligible candidates, including the

1 For short the 'Board'

additional panel of 5% candidates, it is deemed appropriate to permit the respondents to declare the merit list with a rider that it should be stated in clear terms that the appointments made shall be subject to the outcome of the present petitions. The letters of appointment to be issued to the successful candidates shall also specifically state that their appointments will be subject to the outcome of the present petitions.

4. The Board shall conduct final interviews and aptitude tests for the candidates from the 2020-2022 D.El.Ed. course and submit a report within six weeks from today, with copies furnished to the other side.

5. The remaining posts shall be kept vacant and are made subject to further orders that may be passed by this Court.

6. List on 22<sup>nd</sup> March, 2024.

**(POOJA SHARMA)**  
**COURT MASTER (SH)**

**(NAND KISHOR)**  
**COURT MASTER (NSH)**