

BALANCING JUSTICE AND ACCOUNTABILITY: IMPACT OF STATE OF WEST BENGAL V. BAISHAKHI BHATTACHARYYA ON PUBLIC RECRUITMENT

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INTRODUCTION

The appointment of teaching and non-teaching personnel in West Bengal state-aided schools is regulated by the West Bengal School Service Commission Act, 1997, which established the West Bengal School Service Commission (WBSSC), to carry out recruitment for secondary and higher secondary schools in the state.

This mechanism is supported by the West Bengal Board of Secondary Education Act, 1963, that governs appointment of staff as per Commission's recommendations. The hiring process itself is governed by a series of detailed guidelines: the Class IX-X Rules, 2016 for Assistant Teachers for Classes IX and X, the Class XI-XII Rules, 2016 for higher secondary teachers, and the Non-Teaching Staff Rules, 2009 for Group C and Group D employees.

Despite such a structured legal framework, the system had come under scrutiny due to charges of irregularities and corruption in the 2016 recruitment drive of WBSSC.

ALLEGATIONS OF IRREGULARITIES

The 2016 WBSSC recruitment was full of gross irregularities, including many candidates of lower rank being appointed ahead of higher-ranked ones (rank-jumping) and some appointed despite being neither on the waiting list nor on the merit list. In some cases, rules were disobeyed, and selections seemed arbitrary (pick-and-choose approach). The WBSSC also did not publish full mark sheets, diminishing transparency. One of the problems was the destruction of original OMR sheets, which was against the rules and prevented cross checking of results.

Following growing complaints, including writ petitions, the Calcutta High Court directed a Central Bureau of Investigation (CBI) inquiry. The CBI also found discrepancies in the merit list and interview records, which strengthened suspicions of irregularities and corruption. This inquiry was headed by retired Justice Ranjit Kumar Bag, a retired of the High Court at Calcutta, with a four member committee, which verified widespread malpractice.

THE LEGAL BATTLE

From the reports and evidence produced, the High Court at Calcutta concluded that the WBSSC recruitment for the year 2016 was in contravention of Articles 14 and 16 of the Constitution of India. These provisions envisage equality before the law as well as equal opportunity in the public service, both of which were challenged by practices such as rank jumping and non-merit-based appointments. The court stressed that such violations of law cannot be tolerated in any recruitment processes involving public offices and positions.

The High Court, in the light of the findings, invalidated entire lot of 25,000 appointments made during the 2016 recruitment drive. This invalidation of the entire recruitment drive highlighted that the

system was flawed from the beginning. The High Court aimed to safeguard the integrity of Public Service Recruitment and guarantee the appointment of only the meritorious candidates.

In order to encourage transparency, the High Court instructed the WBSSC to publish all of the available Optical Mark Recognition (OMR) sheets on its official website. This was directed to facilitate the stakeholders and the interested candidates to re-evaluate if the selection was fair and further to ensure revival of public faith and ensuring future recruitment would not suffer from malpractices. Also, the High Court directed the individuals appointed by dishonest means, including those who had given blank OMR sheets to refund all the salaries and allowances they received. The repayment was to be done with 12% yearly interest, accruing from the receipt date to the full repayment date.

Aggrieved by the order of the High Court, the candidates filed an appeal in the Supreme Court arguing that they being were denied a fair chance to defend themselves. They claimed that the invalidation of the entire recruitment process was unfair as it unjustly punished the innocent candidates, who secured the merit list on sheer hard work.

The Supreme Court upheld the judgement passed by the High Court. The Apex Court held that the selection process was compromised and was concluded through illegal means. The Supreme Court addressed the malpractices in the recruitment drive throughout the process and the appointment of non-meritorious candidates.

The judgement also highlighted the failure of the WBSSC to adhere to due process and ensure transparency. It noted that the Commission had not preserved or provided the original OMR sheets for inspection and had unnecessarily destroyed these crucial documents, breaching standard protocols. This prevented verification of the selection process and implied the suppressing of vital evidence.

The Apex Court agreed with the High Court's ruling that the anomalies constituted a violation of Articles 14 and 16 of the Indian Constitution. These constitutional provisions ensure equality before the law and equal opportunity in public employment matters principles which were grossly violated during the recruitment process.

ANALYSIS

The Supreme Court's judgment invalidating the 2016 WBSSC recruitment process has wide-ranging consequences for public sector recruitment and the public's faith in the same. Although the judgment upheld the constitutional provisions and ethos of transparency and accountability, it also highlights the struggles and the human cost involved which has been disregarded in the judgement. The hardships of the candidates who have meritoriously secured their positions in the merit list have been overlooked, with no relief to avail.

One of the implications of the judgment is the reaffirmation that public employment should be based on transparency, merit, and equal opportunity. By upholding the judgement of the Division Bench of the High Court at Calcutta, the Supreme Court sent a strong message that institutional corruption and procedural irregularities will not be tolerated, no matter how many years have lapsed or how many people might be associated. This makes a significant example for public service recruitment throughout India, compelling them to keep diligent records, strictly follow the rules, and ensure all recruitment stages will be subject to judicial scrutiny.

However, the ruling had adverse impact on candidates who have cleared the exam and interview on merit. Several of these people, who were innocent of any wrongdoing, have already lost their jobs, salaries, and years of work experience through the blanket invalidation of appointments. For them, this ruling is a harsh form of collateral damage, challenging the question of how the system can give compensation to innocent candidates and remove corruption and malpractices from the system.

To conclude, the judgment of the Supreme Court, while being a protective measure towards reinforcing transparency and integrity in the public recruitment drives, also underscores a critical problem of the innocent and meritorious candidates, who have become collateral damage for the wrong doings of others. They have no relief left to avail and now face loss of job and livelihood and other financial and mental constraints. This raises the urgent question of how justice can be balanced with accountability.
