

Court No. 17

WPA 12086 of 2021

02.09.2021

(AD 41)

(S. Banerjee)

Yogmaya Das

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Subir Sanyal
Ms. Sumita Sen
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
Mr. Somesh Ghosh

... for the petitioner

Mr. Anirban Ray, Learned Govt. Pleader
Mr. Raja Saha
Mr. Shamim ul Bari
Mr. Himadri Sekhar Chakraborty
Mr. A. Maity

... for the State

Mr. Kishore Datta, learned Advocate General
Dr. Sutanu Kumar Patra
Ms. Supriya Dbuey

... for the SSC

Ms. Koyeli Bhattacharyya

... for the WBBSE

The allegation of the petitioner in this matter is that after his selection by the School Service Commission and after issuance of the recommendation letter by the said Commission, one letter of appointment was issued by the West Bengal Board of Secondary Education following the existing rules. The appointment letter issued in the year 2020, inter alia, mentioned that the petitioner should join the school within 15 working days from the date of issuance of the appointment letter, but when the petitioner made contact with the school with the appointment letter, after the stringent conditions of lockdown was little relaxed, the school showed reluctance in his joining and

the petitioner was not allowed to join despite having recommendation letter and the appointment letter from the appropriate authorities.

Delay, if there is any, on the part of the petitioner in approaching the school for joining, cannot be a ground in the pandemic situation which is continuing for nearly 18 months now and lockdown started from 23rd March, 2020. Therefore, the time limit of 15 days, given in the appointment letter, cannot be made applicable in the pandemic situation.

The petitioner has pleaded that he made contact with the school several times but the school did not allow him to join as because the school was closed.

I am of the view that the schools were not completely closed. The classes were suspended but the headmaster and some of the teachers were attending the school according to the roster framed by the school. Suspension of classes cannot stand in the way of joining for the petitioner in the school. I do not think there is any real impediment after the relaxation of the pandemic situation in the year 2020 and now after the 2nd wave of Covid-19 epidemic when the headmaster or the other authority of the school cannot take steps for joining of the petitioner in the school.

Let the affidavit of service filed today in court be kept on record.

A direction upon the school to allow the petitioner to join in the school in the post where the petitioner has been recommended, is not an adverse order against the school and it is the school's duty only to take the official

steps so that the petitioner can join. The schools are not in the decision making level as to joining or non-joining of the petitioner.

Hence, I direct the school authority to allow the petitioner to join the school in the post where the petitioner has been recommended and subsequent appointment letter was issued to him within a period of three weeks from the date of communication of this order to the school and to intimate the same to the concerned District Inspector of Schools immediately on joining of the petitioner.

I have already made it clear that the 15-day period mentioned in the Board's appointment letter will not create any impediment in joining of the petitioner in the school because of the pandemic situation.

With the above direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)