

27.09.2021
Srimanta
Sl. No. 48
Ct. No. 05

WPA/14290/2021
[Via Video Conference]

Raju Mahalder
-Vs.-
The State of West Bengal & Ors.

Mr. Ratul Biswas, Adv.,
Ms. Sumita Sen, Adv.,
Mr. Kaushik Chowdhury, Adv.,
Mr. Somesh Kumar Ghosh, Adv.
...for the petitioner.

Mrs. Chama Mookherji, Adv.,
Ms. Paramita Pal, Adv.
...for the State.

Mrs. Koyeli Bhattacharyya, Adv.
...for the West Bengal Board of Secondary
Education.

Dr. Sutanu Kumar Patra, Adv.,
Mr. Supriya Dubey, Adv.,
Ms. Debalina Chakraborty, Adv.
...for the School Service Commission.

Affidavit-of-service filed on behalf of the writ petitioner be kept with the record.

Writ petitioner is one of the successful candidates in the selection process conducted by the West Bengal Central School Service Commission and after completion of selection process writ petitioner was recommended for appointment in the post of non-teaching staff in a Government recognized aided secondary school. Pursuant to the recommendation letter issued by the concerned authority of the West Bengal Central School Service Commission the President, West Bengal Board of Secondary Education issued appointment letter within the prescribed period as stipulated in the recommendation letter issued by the West Bengal Central School Service Commission. It has been submitted on behalf of the writ petitioner

that since the Covid 19 pandemic and connected lockdown intervened after issuance of recommendation Memo as well as appointment letter by the concerned respondent authorities, which prevented the writ petitioner to join the post wherein he was appointed vide appointment letter issued by the concerned authority of the West Bengal Board of Secondary Education. Writ petitioner prays for necessary direction upon the School authority where the petitioner was recommended and appointed to permit the petitioner to join forthwith.

Dr. Sutanu Patra, learned Advocate appears on behalf of the School Service Commission and submits that since writ petitioner has duly been recommended by the West Bengal Central School Service Commission, therefore, necessary directions may be passed for ensuring joining of the writ petitioner provided appointment letter has been issued within time by the appropriate authority of the West Bengal Board of Secondary Education.

Mrs. Koyeli Bhattacharyya, learned Advocate appears on behalf of the West Bengal Board of Secondary Education and submits that pursuant to the recommendation Memo issued by the Central School Service Commission appointment letter has already been issued. Therefore, there should not be any impediment in permitting the writ petitioner to join the post, if necessary, upon condoning the delay since due to outbreak of Covid 19 and imposition of lockdown the writ petitioner could not join the post where the petitioner was appointed.

The learned Advocate representing the State respondents has also reiterated the submissions which have been made on behalf of the West Bengal Central

School Service Commission as well as the West Bengal Board of Secondary Education.

Having considered the submissions made on behalf of the parties to this writ petition this Court finds it apposite to direct the school authority where writ petitioner was appointed by appointment letter issued by the Board, to allow the petitioner to join the post, if necessary, on condoning the delay since considering the date of issuance of recommendation Memo as well as appointment letter it is apparent that due to outbreak of Covid 19 and imposition of lockdown the writ petitioner could not join the recommended post.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)