

W.P.A. 15254 of 2021

**Mahafizur Rahaman
Vs.
The State of West Bengal & Ors.**

Mr. Kaushik Chawdhury
Mr. Somesh Kumar Ghosh

... ... for the petitioner

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De

... ... for the State

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

No one appears on behalf of the West Bengal Board of Secondary Education as well as West Bengal Central School Service Commission.

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.

The learned Advocate representing the State respondents submits that since recommendation has been made by the West Bengal Central School Service Commission for appointment of writ petitioner in the post of non-teaching staff in a government aided recognized high school and subsequently appointment letter has also been issued by the West Bengal Board of Secondary Education there is no impediment in giving direction upon the respondent authorities to permit the writ petitioner to join the post where writ petitioner has been recommended as well as appointed.

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.)