

22.08.2022
Court No.13
Item No.44
pk

WPA 9368 of 2022

**Surajit Goswami
Vs.
The State of West Bengal and Ors.**

Mr. Bikram Banerjee,
Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Mr. Sutirtha Nayek
... for the petitioner.

Mr. Swapan Banerjee,
Mr. Sougata Mitra
... for the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey
... for the WBCSSC.

The petitioner participated in the 12th RLST to the post of Assistant Teacher. He was initially given 66 marks that was increased to 68 marks. The writ petitioner approached this Court in WP 33386 (W) of 2014 and pursuant to a review by the School Service Commission, his marks stood increased to '70'. The last candidate appointed in the group in which the petitioner got 69.33 marks.

In that view of the matter, the petitioner was clearly entitled to be appointed as an Assistant Teacher.

Counsel for the School Service Commission submits that they have written to the Deputy Director of School Education asking for vacancy to be identified for appointing the petitioner.

The School Service Commission has access to the “Utashasree Portal” meant for accommodating transfers applied by the teachers in terms of the Transfer Rules, 2015.

This Court has already noticed in a large number of writ petitions that most schools in the State, complain of shortage of teaching staff and pray before this Court and Commission for posting of sufficient number of teachers.

This Court, therefore, directs the School Service Commission to identify existing vacancies in the district of Bankura and recommend a posting the petitioner in any such school.

The Deputy Director of School Education, shall make note of the recommendation that shall be given by the School Service Commission for the petitioner, in their respective records.

Upon receipt of recommendation, the West Bengal Board of Secondary Education shall issue appropriate orders of appointment to the petitioner.

Let the aforesaid exercise be completed by the respondents within a period of two weeks from date.

This Court is of the view that the arguments of Mr. Banerjee, learned advocate appearing for the petitioner, that his client should be given notional benefit of appointment from the year 2014 i.e. the date of filing of the first writ petition. The School Education Department shall take an appropriate decision in this regard.

With the aforesaid observations, the writ petition is disposed.

No order as to costs.

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

(Rajasekhar Mantha, J.)