

Court No. 22
21.12.2022
(Item No. 33)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8765 of 2019

Tathagata Banerjee
VS
The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Rohan Paul
..... for the petitioner
Mr. Malay Singh
Mr. Rakesh Singh
.....For the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
Ms. Debalina Chakraborty
.... For WBCSSC
Ms. Koyeli Bhattacharyya
... for WBBSE

Affidavit of service filed in Court today, is
taken on record.

The petitioner is a successful candidate in the
1st State Level Selection Test 2016 for the post of
Assistant Teacher (Class IX-X). The necessary
recommendation letter dated February 27, 2019,
Annexure P-2 to the writ petition was issued by
respondent No. 5 where under the petitioner was
asked to join the school within fifteen days from the
date of the issuance of the appointment letter. From a
close scrutiny of the said recommendation letter it
appears that, the vacancy medium mentioned in the
said letter was **English**.

The respondent No. 4, the Headmaster of the
relevant School issued a communication to the

petitioner dated March 1, 2019, **Annexure P-3** to the writ petition and did not allow the petitioner to join the said school on the ground that, the school was a **Bengali medium** school whereas the petitioner's recommendation was for **English Medium**. Since then the petitioner made repeated representations as would be evident from **page 16** onwards to the writ petition. None of the representations was addressed.

Mr. Ashis Kumar Chowdhury, learned advocate appearing for the petitioner submitted that, despite being a successful candidate in the relevant selection process and despite having received the recommendation from the respondent No. 5 as stated above the petitioner did not receive any appointment letter either from the relevant school or from any other school for the post of Assistant Teacher.

Dr. Sutanu Kumar Patra, learned counsel appeared for respondent No. 6.

Ms. Koyeli Bhattacharyya, learned advocate appears for respondent No. 5.

Mr. Rakesh Singh, learned advocate appears for the State.

Considering the submissions made on behalf of the appearing parties and on perusal of materials on record to sub-serve justice the following peremptory directions are made:

- (a) The respondent No. 2 positively within a period of two weeks from the date of

communication of this order shall furnish the necessary vacancy list to the respondent No. 6. A copy of such vacancy list shall also be furnished to the petitioner.

(b) The respondent No. 6 then after considering the said vacancy list shall issue the appropriate recommendation communication in favour of the petitioner positively within two weeks from the date of receiving the information from the respondent No. 2 as directed above. A copy of such recommendation letter shall also be furnished before the respondent No. 5.

(c) The respondent No. 5 in terms of such recommendation being received from the respondent No. 6 shall issue the necessary appointment letter in favour of the petitioner positively within a period of two weeks from receipt of the said recommendation letter from the respondent No. 6.

The relevant school for which the petitioner would be recommended in the manner and mode as directed above shall allow the petitioner to join in his employment positively within a period of one week from the date of receiving the said appointment letter to be issued by the respondent No. 5.

It is made clear that, the above directions are final and peremptory.

Ms. Debolina Chakraborty, learned advocate always appears in this type of matters as a junior counsel for the respondent No. 6 and since has also assisted this Court in this matter equally, she was requested to assist Dr. Patra as a junior counsel in this matter by holding the brief. Her appointment is directed to be regularized by the respondent No. 6 forthwith.

On the above terms and on the basis of the above observation, this writ petition being **W.P.A. 8765 of 2019** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)