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06.04.
2022
Ct. No.17

WPA 17964 of 2021

Fulmoni Besra
Vs.
The State of West Bengal & Ors.

Mr. P. S. Deb Barman
Mr. Shaharayar Alam
Mr. Marghoob Ahmed Salik
.....For the Petitioner
Ms. Koyeli Bhattacharyya
.....For the WBBSE
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
.....For the State
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the SSC

The grievance of the petitioner is that she was in wait list in serial number 66. She was not given any appointment. However, another candidate, namely, Rainy Chakraborty Bhowmick being the Respondent No.7 was given recommendation and appointment letter by the School Service Commission though said Rainy Chakraborty Bhowmick was below the petitioner. Said Rainy Chakraborty Bhowmick's rank in the wait list was 68.

This court directed the School Service Commission to file a report in respect of the facts of the writ application and the School Service Commission has intimated that no such recommendation letter was issued by the Regional School Service Commission and further the date of

the recommendation letter was 16.12.2019 which is after the expiry of the panel. The panel for Group-D recruitment expired on 4th May, 2019.

Despite service the private respondent in respect of whom such appointment was given has not appeared before this court though the service was complete upon her, as I find from the affidavit of service, on 11.03.2022 by the India Post.

West Bengal Board of Secondary Education has also filed one report stating in paragraph 13 that on the basis of the recommendations received from the Commission both through hard copy and soft copy in phases between time period from December, 2019 to February, 2022 the West Bengal Board of Secondary Education issued the appointment letters to the concerned recommended candidates including the private respondent being the respondent no.7 in question in the said writ petition. This private respondent no.7 was given, therefore an illegal appointment which is a nullity and which does not have any effect. Therefore, the concerned District Inspector of Schools is directed to stop the salary of respondent no.7 from today. The respondent no.7 shall not be treated as a Group-D staff of the school recommended by the School Service Commission. The respondent no.7, namely Rainy Chakraborty Bhowmick shall not enter the school as a Group-D

staff of the school. She shall not be allowed to sign any paper and any attendance register of the school. The School Service Commission can take steps against the said respondent no.7. The said respondent no.7 is directed to refund the entire salary received by her from the date of her appointment till 31st March, 2022 by equal instalments for the months for which she worked in the school.

The School Service Commission is directed to consider actively whether the petitioner who is a scheduled tribe candidate as appears from the name of the petitioner can be appointed in the said post where the said Rainy Chakraborty Bhowmick was appointed illegally by using fake and false recommendation letter and ineffective appointment letter. For this purpose the Chairman of the School Service Commission is directed to give an opportunity of hearing to the petitioner and to the school and to the District Inspector of Schools in the office of the Chairman of the West Bengal Central School Service Commission within a period of two months from the date of communication of this order.

The matter is heard-in-part. It will appear in the list on 8th June, 2022.

The petitioner is directed to communicate the order immediately to the school, to the concerned District Inspector of Schools and to the Chairman of

the West Bengal Central School Service Commission.

List on 08.06.2022.

(Abhijit Gangopadhyay, J.)