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24.02.
2022
Ct. No.17

WPA 19390 of 2021

**Chiranjib Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Abhinaba Dan
Mr. Nitish Samanta
.....For the Petitioners
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the SSC
Mr. B. P. Vaisya
Mr. Suman Dey
.....For the State
Mr. Koyeli Bhattacharya
.....For the WBBSE**

Learned advocate for the School Service Commission on instruction has submitted that the petitioners' allegation in respect of the private respondent being the Respondent No.9 was correct. The allegation was that he did not complete five years of service. Learned advocate for the Commission has further submitted that the vacancy in the school in which the private respondent was recommended is still vacant as the private respondent has not joined the said school and the Commission has already taken step for recommending the petitioner to the said vacancy. The Commission has intimated the school where the vacancy is lying for not to fill up the post.

I direct the Commission to recommend the

name of the petitioner by seven days from date and the post in which the Commission wrongly recommended the private respondent being the Respondent No.9 should be kept vacant for a period of thirty days from date so that the petitioner can join in the meantime. I also direct the West Bengal Board of Secondary Education to issue the appointment letter to the petitioner by seven days from date of receipt of the recommendation of the Commission.

The earlier recommendation made by the Commission in respect of the petitioner is, therefore, set aside and quashed.

The recommendation letter also given to the private respondent in respect of the school where the petitioner should be appointed now is also set aside and quashed.

With the above direction this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

