

03 17.05.2022
rkd Ct.15

W.P.A. 18437 of 2019

Poli Roy

-vs-

The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Diptendu Mandal,

....for the petitioner.

Mr. Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

Mr. Tulshidas Roy

....for the State.

Pursuant to the previous order dated 25th April, 2022 the matter is taken up for hearing today in presence of the learned advocates representing the petitioner, West Bengal Central School Service Commission and the State respondents.

The matter relates to offering vacancy in higher secondary section in a non-Government Aided Recognized High School in the district of Howrah in History (PG), Medium: Bengali, Category-SC, Male/Female. Petitioner was aggrieved by offering vacancy to her when she participated in the 3rd phase of counseling which is far away from her residence.

The grievance of the petitioner is in spite of availability of vacancies nearer to her place of residence she was offered vacancy far away from

her place of residence. Point has also been taken on behalf for the petitioner that de hors Rules 8 & 9 of the West Bengal School Service Commission (Selection for appointment to the posts of teachers for classes XI & XII in Higher Secondary Schools), Rules, 2016 in the 4th phase of counseling some vacancies were added to the pool of available vacancies.

Be that as it may, considering the grievance of the petitioner this Court granted leave to the petitioner vide order dated 25th April, 2022 to approach the Secretary, West Bengal Central School Service Commission indicating the availability of vacancies nearer to her place of residence in the district of Howrah within certain time which petitioner did and ultimately after granting opportunity of hearing to the petitioner the concerned authority of the West Bengal Central School Service Commission identified a vacancy in Bankra Islamia High School, District- Howrah wherein petitioner's fitment can be considered.

Dr. Patra, learned advocate representing the Commission has submitted that the vacancy which is available in Bankra Islamia High School can be considered for appointment of the petitioner subject to the direction to be passed by this Court.

State respondents are represented by Mr. Roy, leaned advocate who has also submitted that if necessary direction is given by this Court relating to appointment of the petitioner in the post of assistant teacher in said Bankra Islamia High School required formalities can be completed on behalf of the State respondents.

In view of aforesaid position as emanates from the submissions made on behalf of the parties to this writ petition, this Court directs the Secretary, West Bengal Central School Service Commission to issue recommendation in favour of the petitioner for her appointment in the post of assistant teacher in the aforesaid category in Bankra Islamia High School, District-Howrah within a period of fortnight from this date.

On issuance of such recommendation in favour of the petitioner, she is directed to join the said post within the stipulated time which will be indicated in the recommendation letter on the basis of the appointment letter to be issued by the West Bengal Board of Secondary Education.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)