

12.05.2023  
Item No. 11  
Crt.No.11  
b.r.

**MAT 1448 of 2022**  
**with**  
**IA No. CAN 1 of 2022**  
  
***Sukhendu Khanra***  
**-vs-**  
***State of West Bengal & Ors.***

**Mr. Jayanta Samanta**  
**Ms. Karunamoyee Samanta**  
**..... for the appellant.**

**Mr. Raja Saha**  
**Mr. S.P. Lahiri**  
**.... For the State-respondents.**

**Dr. Sutanu Kumar Patra**  
**Ms. Supriya Dubey**  
**.... For the W.B.C.S.S.C.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The appellant was a writ petitioner before the Hon'ble Single Bench. The appellant is in service as an Assistant Teacher in a Secondary School in the State of West Bengal. The appellant applied for selection to the post of Headmaster conducted by the West Bengal Central School Service Commission (for short, SSC) in the year 2017.

The appointment was selected for the post of Headmaster and recommended for appointment by the SSC on the 10<sup>th</sup> of December, 2019. In terms of the recommendation the appellant was required to join duties as Headmaster within a period of 15 days from the date of

issuance of the Letter of Appointment/ recommendation dated 10<sup>th</sup> December, 2019 (*supra*). It was made clear in the said letter of 10th of December (*supra*) that upon the failure of the appellant to join his duties within the said period of 15 days, the appointment will be treated as cancelled.

Mr. Samanta, Learned Counsel appearing for the appellant submits, that within a period of 10 days the appellant addressed a letter to the Chairman, West Bengal Central Service Commission, stating his inability to take up the offer of appointment within the scheduled period of 15 days (*supra*) on the ground of personal illness. It is further alleged that the SSC being the recommending authority and the West Bengal Board of Secondary Education, being the ultimate appointing authority, have remained silent to the request of the appellant for extension of his date of appointment.

Dr. Patra, Learned Senior Counsel appearing for the SSC with Ms. Dubey, Learned Advocate, points out that the panel was prepared in 2019 and expired after one year in 2020. It is submitted that the purported letter on which the appellant relies for seeking a deferred appointment does not show any official receipt by the authority concerned.

Accordingly, there are doubts with regard to the *bona fides* of the said letter. Furthermore the said letter

has been addressed to the Chairperson, SSC who has become *functus officio* after issuance of the recommendation dated 10<sup>th</sup> of December, 2019 and now the appointing authority is the Board of Secondary Education.

The State is represented by Mr. Lahiri, Learned Counsel.

Having heard the parties and considering the materials placed, although the attention of this Court is drawn to a previous Order of the Hon'ble Single Bench dated the 8<sup>th</sup> of June, 2022 passed in the present writ petition being WPA 9044 of 2022 requesting the Board to find out any existing vacancies, subsequently the Hon'ble Single Bench has turned down the prayer of the appellant/writ petitioner for appointment on the ground that the SSC has submitted that it is not possible to accommodate the writ petitioner at this stage.

This Court must notice the fact that the panel has expired in 2020 and the appellant' claim to appointment was at best for a period relevant to 15 days after issuance of the letter of appointment dated 10<sup>th</sup> December, 2019 (*supra*). Furthermore, no convincing materials are before this Court to show any diligence on the part of the appellant/the writ petitioner to claim his appointment keeping in view the fact that the writ petition was filed as late in 2022.

In the backdrop of the above discussion, the Order impugned of the Hon'ble Single Bench calls for no interference.

**MAT 1448 of 2022** along with **CAN 1 of 2022** stands accordingly **dismissed**.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

**(Supratim Bhattacharya,J.)**

**(Subrata Talukdar,J.)**