

05.09.2024
Court No. 18
Item No. 15
(**Suvendu**)

WPA 21994 of 2024

Debnath Ghosh
-Versus-

The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Mridul Biswas
...for the petitioner

Mr. Bimalendu Das
Mr. Sourav Mondal
.....for the State

Dr. Santanu Kumar Patra
Ms. Supriya Dubey
....for the WBCSSC

Affidavit of service filed on behalf of the
petitioner is taken on record.

Matter relates to re-recommendation of
petitioner who is working as Group –D staff in a
Government aided secondary school since based
on recommendation for petitioner's transfer vide
memo dated 11th November, 2021 issued by the
Secretary, West Bengal Central School Service
Commission petitioner could not join transferred
post due to non-availability of vacancy.
Petitioner made application on portal for his
transfer based on which recommendation was

made by the Secretary of the Commission on 11th November, 2021 but the school where petitioner was transferred by letter dated 12th November, 2021 addressed to the President, West Bengal Board of Secondary Education intimated that post of Group -D was not lying vacant to accommodate petitioner which prompted petitioner to apply on designated portal for re-recommendation. It is contended on behalf of the petitioner that till date application for re-recommendation has not been decided by the Commission.

West Bengal Central School Service Commission is represented by learned advocate who submitted that contemporaneously decision on application of petitioner seeking re-recommendation could not be taken due to suspension of Utshasree portal with effect from 29th September, 2022.

In view of submissions made on behalf of the parties, the writ petition stands disposed of by directing the Chairman, West Bengal Central School Service Commission to call the petitioner by six weeks from date of communication of this order for disclosing available vacancies where petitioner can be appointed. Seven days' notice

shall be served upon the petitioner before the date to be fixed for his appearance. If petitioner opts a school for his transfer on disclosure of vacancies an order relating to re-recommendation shall be passed by the Chairman of the Commission within the aforesaid period of six weeks and same shall be communicated to the petitioner by one week thereafter.

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

Since Chairman, West Bengal Central School Service Commission is not made party, leave is granted to the petitioner to amend the cause title by adding the Chairman of the Commission as an additional respondent. However, service of notice upon the Chairman of the Commission is dispensed with since the Commission is represented by the learned advocate today.

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

(Saugata Bhattacharyya, J.)

