

12.11.2024
Court No. 18
Item No. 06
(Suvendu)

WPA 24394 of 2024

Sandip Chakravarti & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar

...for the petitioners

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das

.....for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

.....for the WBCSSC

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

By presenting this writ petition petitioners
being qualified candidates are praying for
initiation of selection process for appointment of
Assistant Teachers in Classes IX, X, XI and XII
in secondary and higher secondary schools in
terms of notice dated 5th May, 2022 issued by
the Secretary, West Bengal Central School
Service Commission. According to learned
advocate representing the petitioners, since

notice has been issued on 5th May, 2022 authorities are bound to publish advertisement and initiate selection procedure. Prayer is made for issuance of mandamus directing the concerned respondent authorities to take steps in terms of notice dated 5th May, 2022.

Respondents are represented by learned advocates.

On behalf of West Bengal Central School Service Commission prayer of the petitioners has been opposed on the ground that writ petition is premature. It is also submitted that at present the Commission is not in a position to take steps based on notice dated 5th May, 2022 since the issue relating selection process for appointment of Assistant Teachers in Classes IX, X, XI and XII namely 1st SLST, 2016 (Classes IX, X, XI and XII) is not concluded and the issue is presently pending before the Hon'ble Supreme Court for consideration. It is also submitted that unless fate of said selection process is decided the Commission may not be in a position to initiate selection process afresh for filling up the posts of Assistant Teachers in secondary and higher secondary schools (Classes IX, X, XI and XII).

Having considered respective submissions made on behalf of the parties, this Court finds substance in the submission made on behalf of the Commission. Furthermore, it completely depends on the decision of State respondents including West Bengal Central School Service Commission as to when and what manner they are to initiate selection process for filling up the posts of Assistant Teachers in Classes IX, X, XI and XII. It is true that a notice was issued on 5th May, 2022 but if no steps have been taken in terms of the said notice dated 5th May, 2022 mandamus cannot be issued directing the authorities to give effect to the said notice by initiating selection process.

Hence, the writ petition is dismissed.

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

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

(Saugata Bhattacharyya, J.)

