

SL - 1
16.12.2024
Ct. No. 17
SB

W.P.A. 29942 of 2024
Debasis Baidya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal ... for the petitioners

Mr. Biswabrata Basu Mullick
Ms. Munmun Ganguly ... for State

Mr. Sunit Kr. Roy ... for SSC.

Affidavit of service is taken on record.

Learned counsel for the petitioners submits as follows.

The petitioners have been recommended for the post of Assistant Teachers at the upper primary level. The petitioners are presently working as Assistant Primary Teachers. Some of them have worked for nearly eighteen years. For instance, the petitioner no. 1 after being in service for about eighteen years has present basic pay of Rs.45,900/- and the total pay of Rs.58,334/- per month. As an upper primary teacher, the basic pay for such Assistant Teacher would be Rs. 33,400/- per month. Despite representations made, the respondent authorities have not clarified whether their earlier experience as teacher would count and whether there would be any kind of pay protection with seniority. A representation was made in this regard on 29.11.2024, but the same has not been responded to as yet. The date of joining is tomorrow i.e. 17.12.2024 for the petitioner no. 1. The date of joining for the other petitioners are in the month of starting from 06.01.2025. All have received

recommendations. A few of the petitioners are yet to receive appointment. Furthermore, 'No Objection Certificate' has sought for from earlier institution. But, the same is not required for an appointment at the level of Upper Primary Education.

Learned counsel for the State denies the allegations and submits that a copy of the writ petition has been served only today, i.e. on 16.12.2024 and he would require some time for taking instruction.

Learned counsel for the Central School Service Commission denies the allegations and submits that although the recommendations were made in the month of November 2024, the petitioners are approaching this Court now. The Commission is only the recommending authority.

At this stage, learned counsel for the petitioners points to a provision for extension of time for joining. He refers to a notification / recruitment rules of the School Education Department dated 28.9.2016 and relies on Rule No. 17(3),(4).

In view of the peculiar situation that the petitioners have not been made aware about whether their purportedly higher post would offer them salary equivalent to the earlier post or not and whether their seniority and past service would be taken into consideration or not in the position offered, let the respondent no. 2 / the Commissioner of School Education, West Bengal consider the petitioners' representations dated 29.11.2024 in accordance with law and as expeditiously as possible, positively within two weeks from date after granting an opportunity of hearing to the candidates.

Since except for petitioner no. 1, the last date of joining is on and after 06.01.2025 no further order need be passed regarding others. However, in respect of the school to which petitioner no. 1 has been asked to join, it shall not appoint any other person to the post till 06.01.2025.

It is clarified that petitioners' merits of the case have not been gone into.

As no affidavit was called for, the allegations made are deemed not to have been admitted.

With these observations the writ petition is disposed of.

Parties shall act on server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)