

27.03.2025
Court No. 18
Item No. 205(ML)
(Suvendu)

WPA 1074 of 2024

Mukti Biswas
-Versus-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Debalina Chakraborty
.....for the petitioner

Mr. Sami Ul Bari
Ms. Sukanya Datta
.....for the State

Mr. Sunit Kumar Roy
.....for the WBCSSC

Petitioner was one of the selectees in 1st State Level Selection Test, 2016 for being appointed as Assistant Teacher in Classes IX and X. Petitioner joined Chopra Girls High School (HS), Uttar Dinajpur on 19th September, 2018 but subsequently it was found that there was no vacancy available to accommodate the petitioner in the said school, as a result whereof District Inspector of Schools (SE), Uttar Dinajpur could not approve petitioner's service with effect from 19th September, 2018.

Since petitioner ultimately could not be accommodated against a vacancy in Chopra Girls High School (HS), Uttar Dinajpur, fact of non-availability of vacant post was informed to Deputy Director of School Education, West Bengal. Accordingly, West Bengal Central School Service Commission issue another recommendation memo dated 31st January, 2019 in favour of the petitioner for her appointment in Sekendra High School, Murshidabad. Pursuant thereto appointment letter was issued by the concerned authority of West Bengal Board of Secondary Education on 28th February, 2019 thereby petitioner joined the said school on 13th March, 2019 and has been discharging duty as an Assistant Teacher of Sekendra High School, Murshidabad.

Petitioner claims salary for her service which she has claimed to have rendered in Chopra Girls High School (HS) on and from 19th September, 2018.

However, from the report of the District Inspector of Schools (SE), Uttar Dinajpur dated 26th March, 2025 which is placed before this Court, it appears that there was no sanctioned

vacancy to accommodate the petitioner in Chopra Girls High School (HS) as a result whereof concerned District Inspector of Schools did not accord approval of appointment in favour of the petitioner.

Since petitioner's service in Chopra Girls High School (HS) is found to be against a post which was not sanctioned and no approval of appointment was granted to that extent, prayer of the petitioner to release salary for her service in Chopra Girls High Schools (HS), Uttar Dinajpur cannot be acceded to.

Hence, writ petition stands 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.)