

W.P.A. 4945 OF 2025

**Liyakath Hossain
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Kumar Mukhopadhyay, Adv.
Ms. Prama Roy, Adv.
Ms. Nargish Parveen, Adv.

...for the Petitioner

Mr. Supriyo Chattopadhyay, AGP
Ms. Sayantanee Bhattacharjee, Adv.

...for the State

Mr. Sunit Kumar Roy, Adv.

...for W.B.C.S.S.C

Petitioner on being selected after participating in 1st State Level Selection Test, 2016 (Upper Primary) (for short, '1st SLST, 2016') received recommendation memo dated 23rd December, 2024 issued by the Chairman, West Bengal Central School Service Commission whereby petitioner was recommended for being appointed as Assistant Teacher in Bibhishanpur High School (H.S.), Purba Medinipur. It is contended on behalf of the petitioner since at present he is working as primary teacher, at the time of fixation of his pay while joining the post of Assistant Teacher in secondary school, he should be extended the benefit of pay protection reckoning his past service as Primary Teacher.

Such prayer, at this stage, is opposed by the learned advocates representing the State respondents and West Bengal Central School Service Commission since it is not produced before this Court and also not disclosed in the writ petition whether petitioner applied

to participate in 1st SLST, 2016 through proper channel or not.

According to the respondent authorities, petitioner is required to obtain 'No Objection' certificate from the concerned District Primary School Council and at the time of submitting application before the West Bengal Central School Service Commission for participation in the selection process, that is, 1st SLST, 2016, petitioner is required to disclose in the application form that he is in-service candidate.

During course of hearing, it is submitted by learned advocate representing the petitioner that petitioner may be allowed to join the post of Assistant Teacher in Bibhishanpur High School (H.S.), Purba Medinipur in terms of recommendation memo dated 23rd December, 2024 and the appointment letter dated 27th January, 2025.

Considering the submissions made on behalf of the petitioner and taking note of the fact that petitioner has already been recommended by the West Bengal Central School Service Commission *vide* memo dated 23rd December, 2024 and an appointment letter has already been issued on 27th January, 2025, which were kept operative *vide* interim order passed by this Court on 10th March, 2025 till 30th April, 2025, concerned respondents authorities including authority of Bibhishanpur High

School (H.S.), Purba Medinipur are directed to allow the petitioner to join the post of Assistant Teacher within a period of fortnight from the date of communication of this order.

After joining petitioner shall be at liberty to make representation to the Commissioner of School Education, West Bengal being respondent no.2 by four (4) weeks thereafter claiming benefits of pay protection. If such representation is made by the petitioner within the aforesaid time, respondent no.2 shall decide the same, in accordance with law, by twelve (12) weeks thereafter after granting opportunity of hearing to the petitioner and the aforesaid school authority or their representatives. The decision to be taken by respondent no.2 shall be communicated to the parties by ten (10) days thereafter.

With the above directions, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)