

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 5940 of 2010

Jalil Iqbal

Versus

The State of West Bengal and Others

For the Petitioner : Mr. Prahlad Chandra Ghosh. Adv.
Mr. Subir Hazra, Adv.

For the State

Respondent Nos. 1, 2 & 5 : Mr. Dipanjan Datta, Adv.
Ms. Ratna Das, Adv.

Heard on : 17.09.2025

Judgment on : 17.09.2025

Ajay Kumar Gupta, J:

1. Affidavit of service, filed by the petitioner, is taken on record. Despite service, none appears on behalf of the respondent nos. 3 and 4 on call.

2. The petitioner has approached before this court by filing the writ petition praying for a direction upon the West Bengal Regional School Service Commission, Southern Region/the respondent no. 3, to recommend the name of the petitioner in any Urdu medium school under the said Region for appointment as an Assistant Teacher either in Honours Subject or in Pass subject on compassionate ground.

3. It is submitted by learned counsel on behalf of the petitioner that in view of the letter dated 29th April, 2002, he had appeared before the authority along with required documents and finally he was selected. Petitioner was empanelled in the live register as maintained by the Office of the West Bengal Regional School Service Commission, Southern Region under the die-in-harness category on 29th May, 2022 in the subject of Urdu (Hons.)/Hindi Medium/General category on the basis of the relevant documents supplied by the District Inspector of Schools (SE) vide Memo nos. 352/M dated 05.03.2002 & 1920/M dated 19.11.2001 as the post was not available.

4. Subsequently, he prayed for change his category from Hons. to Pass Course. Such prayer had been forwarded through the concerned D.I. of Schools (SE) to the concerned authorities i.e. respondent no. 3 as it appears from the letter dated 28th February, 2007 of the D.I. of Schools (SE) Kolkata.

5. But till date, no steps have been taken by the respondents to appoint him as an Assistant Teacher in the category of Pass/Honors Course. Thereafter, the petitioner has made a representation. Even then, no steps have been taken to such representation dated 24th March, 2009.

6. On the other hand, learned counsel appearing on behalf of the State submits that petitioner's prayer has already been forwarded to the concerned respondent i.e., respondent no. 3.

7. In the affidavit-in-opposition, it has been taken a plea that there is no post available to accommodate the petitioner. But, his enlistment has alive in the Register as maintained by the Office under the die-in-harness category on compassionate ground on 29.05.2002.

8. Now question arises, whether till today there is any vacancy available or not that is unknown to this court and no one also represented the respondent no. 3 before this court to highlight the present position.

9. In view of the above facts, it would not be appropriate to keep the matter pending any further. Hence, this court directs the respondent no. 3 to take appropriate steps regarding appointment of the petitioner on compassionate ground in view of the recommendation by the D.I. of Schools (SE) dated 24th May, 2002, within 6 weeks from date strictly in accordance with law.

10. Since the matter is pending from 2010, the petitioner is directed to communicate this order along with the Writ Petition to the respondent no. 3 for compliance of the order of this court.

11. In view of the above observations, the instant writ petition being **WPA 5940 of 2010** is disposed of without any order as to costs.

12. Consequently, the connected applications, if any, are also, thus, disposed of.

13. Interim order, if any, stands vacated.

14. All parties shall act in terms of the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J)

P.A.