

Form No. J(2)
Item No. 1
adeb)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 8779 of 2025

Nabamita Nandi & Ors.

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Ekramul Bari, Adv. Sk. Imtiaj Uddin, Adv.
For the State	: Mr. Supriyo Chattopadhyay, Ld. AGP Ms. Sayantanee Bhattacharjee, Adv.
For the WBCSSC	: Dr. Sutanu Kumar Patgra, Adv. Ms. Supriya Dubey, Adv.
Heard On	: 20.08.2025
Judgment On	: 20.08.2025

SAUGATA BHATTACHARYYA, J.

1. On behalf of West Bengal Central School Service Commission report in the form of affidavit affirmed on 14th August, 2025 is filed today and same is taken on record.

2. Petitioners participated in both the selection processes namely 1st State Level Selection Test, 2016 (hereinafter referred to as '1st SLST, 2016') for classes IX & X and 1st SLST, 2016 for upper primary level of classes in order to become an approved Assistant Teachers of a Government aided school. In both the aforesaid selection processes petitioners were selected and recommended for being appointed as Assistant Teachers. Petitioners opted to work as Assistant Teacher for classes IX and X which in terms of service benefits and emoluments is better option than the benefits and emoluments which are available to a teacher of upper primary level of classes. Petitioners worked as Assistant Teachers for classes IX and X for considerable period of time but they lost their job in terms of judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.*** Petitioners were also recommended by the Chairman, West Bengal Central School Service Commission (hereinafter referred to as 'Commission') vide memoranda dated 19th November, 2024, 22nd November, 2024 and 20th December, 2024 for being appointed as Assistant Teachers in secondary schools for upper primary section in connection with their participation in 1st SLST, 2016 (Upper Primary). Petitioner made prayer vide letters dated 7th February, 2025, 26th December, 2024 and 30th January, 2025 for extension of validity of their respective recommendations before the Chairman of the Commission but till date no decision has been taken thereby extending validity of recommendations which prompted the petitioners to approach this

Court with the present writ petition with prayer to permit them to join the posts of Assistant Teacher as per their respective recommendations by extending validity of their recommendations in terms of proviso to Rule 17(3) of the West Bengal School Service Commission (Selection for Appointment to the Posts of Teachers for Upper Primary Level of Schools) Rules, 2016 (hereinafter referred to as '*said Rules of 2016*').

3. Dr. Patra, learned advocate representing the Commission submits in reference to the statements made in reports that the posts of Assistant Teacher against which petitioners were recommended still exist. However, it is also submitted that extension of validity of recommendation depends upon the decision to be taken by concerned authority of the Commission in terms of proviso to Rule 17(3) of said Rules of 2016. Merely submission of applications seeking extension of validity of recommendation does not make the applicants eligible to get benefit of extension of validity of recommendation as a matter of course.
4. Mr. Supriya Chattopadhyay, learned Additional Government Pleader has filed two reports dated 12th August, 2025 of the District Inspector of Schools (SE), South 24 Parganas and 8th August, 2025 prepared by the District Inspector of Schools (SE) Paschim Medinipur and those are taken on record. From those two reports it appears that posts where petitioners were recommended in connection with their

selection in 1st State Level Selection Test, 2016 (Upper Primary) are still lying vacant.

5. From the submissions made on behalf of the parties, it appears that petitioners on being selected in 1st SLST, 2016 (Upper Primary) were recommended by the Chairman of the Commission *vide* memo dated 19th November, 2024, 22nd November, 2024 and 20th December, 2024. In terms of Rule 17(3) of said Rules of 2016 recommendations remained valid for ninety days and in an appropriate case if it is found expedient validity of recommendation can be extended by the concerned authority of the Commission for a further period of sixty days.
6. In the present case, it is true that petitioners did not join the posts of Assistant Teacher as per aforesaid recommendations but they applied for extension of validity of recommendation within the period of ninety days when recommendation was alive in terms of Rule 17(3) of said Rules of 2016. Letters were submitted before the Chairman of the Commission on 7th February, 2025, 26th December, 2024 and 30th January, 2025 respectively seeking extension of recommendations within ninety days.
7. It also appears that identical issue was decided by this Court *vide* judgment dated 11th July, 2025 passed on a writ petition being **WPA 12048 of 2025 (Nahida Sultana vs. The State of West Bengal &**

Ors.). Judgment dated 11th July, 2025 delivered in **Nahida Sultana** (supra) is retained with the records.

8. Issue needs to be decided taking note of the fact that petitioners lost job after being appointed as Assistant Teachers on being selected in 1st SLST, 2016 for Classes IX and X. It is also found that it is within the domain of the concerned authority of the Commission to extend validity of recommendation beyond the period of ninety days for a further period of sixty days but in the present case, nothing is found that decisions have been taken on the applications made by the petitioners seeking extension of validity of recommendations.
9. As a special case where it is found that petitioners lost their job in terms of judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in **Baishakhi Bhattacharyya (Chatterjee) (supra)** and taking note of the fact that petitioners approached the Chairman of the Commission seeking extension of validity of recommendations within the period of ninety days from the date of recommendations, concerned authority of the Commission is directed to extend validity of recommendations of the petitioners for a period of sixty (60) days from date and permit the petitioners to join the posts of Assistant Teacher in recommended schools. Necessary orders are to be passed by the Chairman of the Commission by 10 (ten) days from date. Respondent nos. 7 and 9 are directed to issue appointment letters in favour of the petitioners by seven days from date of receipt of orders from the concerned authority of the Commission extending validity of

recommendations. After issuance of appointment letters petitioners shall join the post by seven days thereafter. However, respondent nos. 7 and 9 are directed to verify the testimonials of the petitioners before permitting them to join respective posts.

10. Writ petition stands disposed of.

11. However, there shall be no order as to costs.

12. Leave is granted to the learned advocate for the petitioners to amend the cause and add District Inspector of Schools (SE) Paschim Medinipur and District Inspector of Schools (SE) South 24 Parganas as additional respondents in course of this day. However, service of notice upon those additional respondents is dispensed with since State respondents are represented by learned Additional Government Pleader.

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

(Saugata Bhattacharyya, J.)