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14.05.2025
Court No. 25
D.Hira

WPA 10576 of 2025

**Srabasti Ghosh
Vs.
State of West Bengal & Ors.**

**Mr. Shuvro Prakash Lahiri,
Mr. Rajesh Naskar,
Ms. Indrani roy,
Mr. Ankan Mondal
... for the petitioner**

**Mr. Shamim Ul Bari,
Ms. Indrani Nandi.
... for the State**

**Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
Mr. Sunit Kumar Roy.
... for the WBCSSC**

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner is the successful incumbent in the selection process, who has been granted the recommendation letter by the West Bengal School Service Commission dated December 17, 2024.
3. Unfortunately, due to the physical in disposition, the petitioner could not join the school as per recommendation, within the stipulated period as per the Rules, that is, within ninety days from the date of recommendation.
4. Letters of the petitioner dated April 7 2025 and that of the School Authority dated April 19, 2025 were written to the Chairman, West Bengal Central School Service Commission requesting for extension of the

recommendation as was granted to the writ petitioner earlier. Those letters have not been considered as yet.

5. Mr. Lahiri, learned advocate appearing for the writ petitioner has submitted that the representation of his client as mentioned above, should be considered by the respondent Commission, in the light to Rule 17(3) of the Rules as enumerated in the Notification dated September 20, 2016. He has stated that in accordance with the same, the Commission is empowered to extend the validity period of an order of recommendation for sixty days more over and above, the ninety days period of time from the date of initial recommendation. Allegedly, in case of the writ petitioner the Commission has intentionally and unjustifiably restrained itself to exercise its power, whereas in case of some other persons the Commission, in exercise of similar power has extended the validity of the recommendation letter. In support of his contention Mr. Lahiri has relied on a list of names and submitted that by this way, the petitioner has been treated with discrimination, unfairness and in a manner not in conformity with the Rules as provided in the notification mentioned above.
6. Dr. Sutanu Kumar Patra, learned counsel appearing for the Commission has raised strong objection as to the contentions and prayer of the petitioner. He would say that the petitioner has not come up with the prayer for extension of validity of recommendation letter within the stipulated period of ninety days but only beyond that.

- 7.** In that case, according to Dr. Patra, the Commission would not be obliged to exercise power under Rule 17 (3) of the notification dated September 20, 2016.
- 8.** After having heard the submissions of the learned counsels for the parties and after perusing the records, I find that applications of the petitioner as well as school authority seeking extension of the validity period of recommendation letter and are now pending before the Commission. I have carefully considered the provision under Rule 17 (3) of the notification dated September 20, 2016.
- 9.** It is the law that the period of validity of the recommendation letter is ninety days, extendable for sixty days more, upon satisfaction of the Commission regarding availability of sufficient reasons.
- 10.** In view of the said Rule and in consideration of the facts and circumstances of the case, I find it proper to dispose of this writ petition by directing the respondent no. 4 to immediately consider the representations of the petitioner as well as the school authority dated April 7, 2025 and April 19, 2025 respectively, positively within a period of ten days from the date of communication of copy of this order.
- 11.** He shall dispose of the applications as above by dint of a reasoned order and in accordance with law.
- 12.** It is further directed that till date the said respondent disposes of the applications as mentioned above by dint of a reasoned order, let not any further steps be taken for filling up the post of the assistant teacher in the school namely, Batanagar Girls' High

School, for which the petitioner has been recommended, if not already recommended by this Commission.

- 13.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 14.** With the above observations and directions, the writ petition being No WPA 10576 of 2025 is disposed of, along with the pending applications, if any.
- 15.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)