

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 12048 of 2025

Nahida Sultana

-vs-

The State of West Bengal & Ors.

For the Petitioner	: Mr. Ashis Kumar Chowdhury Mr. Babhru Bahan Bera Mr. Avishek Chatterjee Ms. Swati Jha
For the WBCSSC	: Dr. Sutanu Kumar Patra, Ms. Supriya Dubey
For the WBBSE	: Ms. Koyeli Bhattacharyya, Mr. Bibek Dutta

Heard on : 11.07.2025

Judgment on : 11.07.2025

SAUGATA BHATTACHARYYA, J.:

1) Petitioner 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 Teacher of a Government

aided school. In both the aforesaid selection processes petitioner was selected and recommended for being appointed as Assistant Teacher. Petitioner 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. Petitioner worked as Assistant Teacher for classes IX and X for considerable period of time but she lost her 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. Petitioner was also recommended by the Chairman, West Bengal Central School Service Commission (hereinafter referred to as "Commission") vide memo dated 23rd December, 2024 for being appointed as Assistant Teacher in Langulia II Baneswari Junior High School, Cooch Behar in connection with her participation in 1st SLST, 2016 (Upper Primary). Petitioner made a prayer vide letter dated 21st January, 2025 for extension of validity of recommendation dated 23rd December, 2024 before the Chairman of the Commission but till date no decision has been taken thereby extending validity of recommendation which prompted the petitioner to approach this Court with the present writ petition with prayer to permit the petitioner

to join the post of Assistant Teacher as per recommendation dated 23rd December, 2024 by extending validity of recommendation 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”).

2) Dr. Patra learned advocate representing the Commission on instruction submits that the post of Assistant Teacher against which petitioner was recommended vide memo dated 23rd December, 2024 still exists. 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 application seeking extension of validity of recommendation does not make the applicant eligible to get benefit of extension of validity of recommendation as a matter of course.

3) From the submissions made on behalf of the parties, it appears that petitioner on being selected in 1st SLST, 2016 (Upper Primary) was recommended by the Chairman of the Commission vide memo dated 23rd December, 2024. In terms of Rule 17(3) of said Rules of 2016 recommendation

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.

4) In the present case, it is true that petitioner did not join the post of Assistant Teacher as per recommendation dated 23rd December, 2024 but she 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. A letter was submitted before the Chairman of the Commission on 21st January, 2025 whereas petitioner was recommended vide memo dated 23rd December, 2024.

5) Issue needs to be decided taking note of the fact that petitioner lost job after being appointed as an Assistant Teacher 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 a decision has been taken on the application made by the petitioner on 21st January, 2025 seeking extension of validity of recommendation dated 23rd December, 2024.

6) As a special case where it is found that petitioner lost her 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 petitioner approached the Chairman of the Commission seeking extension of validity of recommendation within the period of ninety days from the date of recommendation, concerned authority of the Commission is directed to extend validity of recommendation dated 23rd December, 2024 for a period of sixty days from date of communication of this order and permit the petitioner to join the post of Assistant Teacher in Langulia II Baneswari Junior High School, Cooch Behar . Necessary order is to be passed by the Chairman of the Commission by seven days from date of communication of this order. Respondent nos. 8 and 9 are directed to issue appointment letter in favour of the petitioner by seven days from date of receipt of order from the concerned authority of the Commission extending validity of recommendation dated 23rd December, 2024. After issuance of appointment letter petitioner shall join the post by seven days thereafter. However, respondent nos. 8 and 9 are directed to verify the testimonials of the petitioner before permitting her to join the post.

7) Writ petition stands disposed of.

- 8) There shall be no order as to costs.
- 9) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

Court. 18
Item No.3 (D/L)
(Suvendu)