

25.06.2025
SI No.7
Court No.8
(gc)

**MAT 864 of 2025
CAN 1 of 2025**

**Shashwati Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari, Sr. Adv.,
Mr. Alauddin Ahmed,
Sk. Imtiajuddin
...for the Appellants.
Mr. Swapan Banerjee, Ld. A.G.P.
Mr. Diptendu Narayan Banerjee
...for the State.
Dr. Sutanu Kr. Patra,
Ms. Supriya Dubey
...for the W.B.C.S.S.C.

Soumen Sen, J. (Oral):

1. The appeal is directed against the refusal to pass interim order in a writ petition filed by the appellants in which they have prayed for extension of validity of recommendation on the strength of 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. The learned Single Judge has indicated briefly the reason for refusal to pass any interim order, the reason being, that the writ petitioners did not pray for extension of recommendation within the initial period of 90 days in terms of Rule 17(3) which is to be reckoned from the date of issuance of the recommendation. Unless the Court is

satisfied that the writ petitioners have prevented by sufficient cause for not being able to apply for the extension of the validity of recommendation, the question of the Commission exercising its discretion on recommendation beyond a period of 90 days and for a further period of 60 days, could not and does not arise. *Prima facie*, we are of the view that the learned Single Judge was justified in refusing to pass interim order.

2. However, it is needless to mention that while disposing of the writ petition after exchange of affidavits and on merits, any observation made in our order or the impugned order shall not influence the learned Single Judge in deciding the writ petition on merits.
3. With the aforesaid observation, the appeal and the application are disposed of.
4. However, there shall be no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)