

04.08.2025

ML.9

Ct. No.18

(pp)

WPA 13734 of 2025

Dolan Gorang

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Sondwip Sutradhar

... for the petitioner.

Ms. Jayeeta Sinha,
Mr. Ranjit Rajak

....for the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

.....for WBCSSC.

1. It is submitted on behalf of the petitioner that she was recommended vide memo dated 17th December, 2024 by the Chairman, West Bengal Central School Service Commission for being appointed as Assistant Teacher in Jogardanga Upper Primary Girls, Paschim Medinipur on being selected in 1st State Level Selection Test. 2016 for upper primary level of classes.
2. Learned advocate representing the petitioner submits that petitioner did not join the post in terms of recommendation memo dated 17th December, 2024 since at the material point of time she was working in the post of Assistant Teacher in secondary school for classes IX and X.

3. Petitioner lost her job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in State of West Bengal & Ors. vs. Baishaki Bhattacharyya (Chatterjee) which prompted her to make an application to the Chairman, West Bengal Central School Service Commission (for short "Commission") to permit her to join the post of Assistant Teacher in terms of recommendation memo dated 17th December, 2024. An appointment letter was also issued on 26th December, 2024 in favour of the petitioner.
4. State respondents and Commission are represented by learned advocates.
5. It is submitted by Dr. Patra, learned advocate representing the Commission that validity of recommendation memo dated 17th December, 2024 expired after 90 days to be reckoned from 17th December, 2024 in terms of Rule 17(3) of the West Bengal School Service Commission (Selection for Appointment to the posts of Teacher for Upper Primary Level of Schools) Rule, 2016. It is also contended unless validity of recommendation memo dated 17th December, 2024 is extended, petitioner is not

entitled to join the post of Assistant Teacher as per the said recommendation memo dated 17th December, 2024.

6. According to the Commission, whether post in which the petitioner was required to join is lying vacant or not needs to be ascertained from the concerned District Inspector of Schools (S.E.), Paschim Medinipur.
7. In view of aforesaid submissions made on behalf of the parties, District Inspector of Schools (S.E.), Paschim Medinipur, being respondent no.6 is directed to intimate Chairman, West Bengal Central School Service Commission by a fortnight from the date of communication of this order whether post of Assistant Teacher in which petitioner was required to join in terms of recommendation dated 17th December, 2024 is lying vacant or not.
8. If it is found that the said post is lying vacant, Chairman of the Commission, being the respondent no.3 is directed to decide application of the petitioner dated 8th April, 2025 whether validity of recommendation will be extended or not within a fortnight thereafter.

9. The decision to be taken by the respondent no.3 shall be communicated to the petitioner by 10 days thereafter.
10. If respondent no.3 decides to extend the validity of recommendation dated 17th December, 2024 in terms of proviso to Rule 17(3), petitioner shall be permitted to join the post within the time to be stipulated in the order of the respondent no.3.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)