

Form No. J(2)
Item No. ML / 5
ARPAN – A.R.(CT)

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

W.P.A. NO.13657 OF 2025

SAKTIPADA PRADHAN & ANOTHER
VS.
THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Ujjal Ray, Adv. Mr. Abdur Rahim, Adv.
For the State	: Mrs. Runu Chowdhury, Adv. Mr. Ashok Kumar Sarkar, Adv.
For the W.B.C.S.S.C.	: Dr. Sutanu Kumar Patra, Adv. Ms. Supriya Dubey, Adv.
Heard On	: 04.08.2025
Judgment On	: 04.08.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the parties.

2. Two petitioners working in two different schools based on different recommendations issued by the Chairman, West Bengal Central School service Commission (hereinafter referred to as '*Commission*') have approached this Court praying for treating previous dates prior to their actual dates of joining in the post of Assistant Teacher for sanction of incremental benefits from earlier dates.
3. It is submitted by learned advocate representing the petitioners that there is common cause of action which prompted them to come before this Court jointly. However, such submission is not found to be appropriate since all particulars relating to service of the petitioners being Assistant Teachers are different. Both the petitioners have joined in the present writ petition espousing different causes of action. Hence, this writ petition is being entertained in respect of petitioner no.1 (hereinafter referred to as '*petitioner*') and is dismissed in respect of petitioner no.2. However, this order shall not preclude the petitioner no.2 to approach this Court by filing separate writ petition on self-same cause of action.
4. Petitioner was selected in 1st State Level Selection Test, 2016 (Upper Primary) [for short, '*1st SLST, 2016 (Upper Primary)*'] and recommendation was issued on 18th November, 2024 by the Chairman of the West Bengal Central School Service Commission. *Vide* recommendation dated 18th November, 2024 petitioner was asked to join the post of Assistant Teacher in Radhanagar Singhapara Junior High School, South 24 Parganas (hereinafter referred to as '*said*'

school). However, there was delay in joining the school by the petitioner since based on the recommendation memo dated 18th November, 2024 petitioner was not permitted to join the said school as identifying the post against which he was required to be accommodated was third vacancy under the roster. By a letter dated 27th December, 2024 on behalf of the said school authority it was intimated to the Chairman of the Commission that as per roster there was no such vacancy as per recommendation memo dated 18th November, 2024. On receipt of such intimation from the said school authority on 27th December, 2024, Commission took steps immediately thereafter and issued recommendation memo on 16th January, 2025 thereby recommending the petitioner to one Patibunia Junior High School, South 24 Parganas. Thereafter petitioner joined the post based on such recommendation memo dated 16th January, 2025 on 30th January, 2025.

5. It is submitted on behalf of the petitioner that had he been permitted to join the post prior to January, 2025 in terms of recommendation memo dated 18th November, 2024 in that event his date of increment would have been in the month of July, 2025 but due to joining of the petitioner on 30th January, 2025 his date of increment is to be fixed in July, 2026.
6. Prayer is made on behalf of the petitioner that date of increment of the petitioner as a special case should be treated in the month of July, 2025 otherwise petitioner would be prejudiced financially.

7. State respondents and the Commission are represented by learned advocates.
8. Having considered the facts, it appears that on being selected in 1st SLST, 2016 (Upper Primary) petitioner was recommended by the Chairman of the Commission *vide* memo dated 18th November, 2024. However, said school authority did not permit the petitioner to join since the post against which petitioner was required to be accommodated in terms of recommendation memo dated 18th November, 2024 was not lying vacant and it was intimated to the Commission on 27th December, 2024 by the said school authority. The Commission issued another recommendation memo dated 16th January, 2025 within a period of twenty (20) days thereafter based on which petitioner joined Patibunia Junior High School.
9. From the steps taken by the Commission as emanates from aforesaid discussion it is found that it is not a case of *mala fide* rather Commission took steps immediately after receiving intimation from the said school authority on 27th December, 2024 and issued another recommendation memo dated 16th January, 2025 thereby giving opportunity to the petitioner to join the post of Assistant Teacher in Patibunia Junior High School and petitioner joined the said school on 30th January, 2025. In this process if a date which would have been fixed as date of increment in connection with service of the petitioner had he joined the post in terms of the recommendation memo dated

18th November, 2024 is missed, same needs to be treated under fortuitous circumstances.

10. Hence, no relief can be granted to the petitioner.
11. Writ petition stands dismissed.
12. There shall be no order as to costs.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)