

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. 13652 of 2025

Goutam Mondal & Anr.

-vs-

The State of West Bengal & Ors.

For the Petitioners : Mr. Ujjal Ray
Mr. Atreya Chakraborty

For the WBCSSC : Dr. Sutanu Kr. Patra
Ms. Supriya Dubey

For the State : Mr. Ranjan Saha
Mr. Chandan Kumar Mondal

Heard on : 17.07.2025

Judgment on : 17.07.2025

SAUGATA BHATTACHARYYA, J.:

- 1) Affidavit of service filed on behalf of the petitioners is taken on record.
- 2) Matter is heard in presence of learned advocates representing the parties.
- 3) Two petitioners working in two different schools based on different recommendations issued by the Chairman, West Bengal Central School service Commission (for short,

“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. 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 11th November, 2024 by the Chairman of the Commission. Vide recommendation dated 11th November, 2024 petitioner was asked to join the post of Assistant Teacher in Hariharpur Junior High School, North 24 Parganas (hereinafter referred to as “said school”). However, there was delay in joining the school by the petitioner due to clarification which was sought for by said

school authority relating to academic qualification of the petitioner. Issue reached to the Commission through concerned District Inspector of Schools and the Chairman of the Commission vide memo dated 27th February, 2025 made necessary clarifications which permitted the petitioner to join the said school on 7th March, 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 11th 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 7th March, 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 11th November, 2024. However, said school authority sought for clarification regarding academic qualification of the petitioner and when same was clarified

by the Commission vide memo dated 27th February, 2025 petitioner was permitted to join the said school. Petitioner joined the said school on 7th March, 2025.

9) From the steps taken by the Commission as emanates from the document dated 27th February, 2025 which is at page 38 of the writ petition, it is found that it is not a case of *mala fide* rather on seeking clarification by the said school authority relating to academic qualification of the petitioner, the Commission by offering clarification permitted the petitioner to join the post of Assistant Teacher and petitioner joined the post on 7th March, 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 11th 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 this judgment, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)