

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. 13647 of 2025

Ramsankar Giri

-vs-

The State of West Bengal & Ors.

For the Petitioner : Mr. Ujjal Ray
Sk. Abdur Rahim

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

For the State : Mr. Ratul Biswas
Ms. Dipa Bhattacharya

Heard on : 17.07.2025

Judgment on : 17.07.2025

SAUGATA BHATTACHARYYA, J.:

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Matter is heard in presence of learned advocates representing the parties.

3) Petitioner was selected in 1st State Level Selection Test, 2016 (Upper Primary) [for short, “1st SLST, 2016 (Upper Primary)”] and recommendation was issued on 21st November, 2024 by the Chairman, West Bengal Central School Service Commission (for short, “Commission”). Vide recommendation dated 21st November, 2024 petitioner was asked to join the post of Assistant Teacher in Krishnanagar High School, South 24 Parganas (hereinafter referred to as “said school”) and the post against which petitioner was recommended under vacancy roster was 42nd. Petitioner attempted to join the said post in terms of recommendation memo dated 21st November, 2024 but said school authority did not allow the petitioner to join since 42nd post was reserved for differently-abled candidate. Subsequently the Chairman of the Commission issued a Corrigendum on 9th January, 2025 and clarified that the post where petitioner was recommended vide memo dated 21st November, 2024 should be treated as 48th in place of 42nd. After such Corrigendum was issued on 9th January, 2025 petitioner joined the post of Assistant Teacher.

4) 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 21st 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 21st January, 2025 his date of increment is to be fixed in July, 2026.

5) 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.

6) State respondents and the Commission are represented by learned advocates.

7) 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 21st November, 2024. However, as per vacancy roster point petitioner was required to join 42nd post. On intimation being made by said school authority vide letter dated 26th November, 2024 addressed to the Chairman of the Commission it was clarified that since 42nd post is reserved for differently-abled candidate petitioner needs to be recommended against 48th post as per vacancy roster point. Based on such intimation dated 26th November, 2024 vide Corrigendum dated 9th January, 2025 petitioner was permitted to join the 48th post in said school and subsequent thereto petitioner joined on 21st January, 2025.

8) From the steps taken by the Commission as emanates from Corrigendum dated 9th January, 2025, it is found that it is not a case of *mala fide* rather on intimation being made by said school authority by issuing Corrigendum dated 9th January, 2025 petitioner was permitted to join the post of Assistant Teacher i.e. 48th post and petitioner joined on 21st 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 21st November, 2024, is missed same needs to be treated under fortuitous circumstances. Hence, no relief can be granted to the petitioner.

9) Writ petition stands dismissed.

10) There shall be no order as to costs.

11) Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)