

Form No. J(2)
Item No. DL / 35
ARPAN – A.R.(CT)

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

W.P.A. NO 13806 OF 2025

NAZMA MALLICK

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Ms. Pritha Biswas

For the State : Mr. Nirmalya Biswas, Adv.
Ms. Barnali Gupta, Adv.

For the WBCSSC : Ms. Supriya Dubey, Adv.

Heard On : 05.08.2025 & 12.08.2025

Judgment On : 12.08.2025

SAUGATA BHATTACHARYYA, J.:

1. Petitioner participated in both the selection processes namely 1st State Level Selection Test, 2016 (hereinafter referred to as '1st SLST, 2016') for classes IX & X and 1st SLST, 2016 for upper primary level of classes

in order to become an approved Assistant Teacher of a Government aided school. In both the aforesaid selection processes petitioner was selected and recommended for being appointed as Assistant Teacher. Petitioner opted to work as Assistant Teacher for classes IX and X which in terms of service benefits and emoluments is better option than the benefits and emoluments which are available to a teacher of upper primary level of classes. Petitioner worked as Assistant Teacher for classes IX and X for considerable period of time but she lost her job in terms of judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.***

2. Petitioner was also recommended by the Chairman, West Bengal Central School Service Commission (hereinafter referred to as 'Commission') *vide* memo dated 25th November, 2024 for being appointed as Assistant Teacher in Kalagram Junior High School, Bankura in connection with her participation in 1st SLST, 2016 (Upper Primary). Petitioner made a prayer *vide* letter dated 24th December, 2024 for extension of validity of recommendation dated 25th November, 2024 before the Chairman of the Commission but till date no decision has been taken thereby extending validity of recommendation which prompted the petitioner to approach this Court with the present writ petition with prayer to permit the petitioner to join the post of Assistant Teacher as per recommendation dated 25th November, 2024 by extending validity of recommendation in terms of proviso to 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 (hereinafter referred to as '*said Rules of 2016*').

3. Learned advocate representing the Commission on instruction submits that the post of Assistant Teacher against which petitioner was recommended *vide* memo dated 25th November, 2024 still exists. However, it is also submitted that extension of validity of recommendation depends upon the decision to be taken by concerned authority of the Commission in terms of proviso to Rule 17(3) of said Rules of 2016. Merely submission of application seeking extension of validity of recommendation does not make the applicant eligible to get benefit of extension of validity of recommendation as a matter of course.
4. From the submissions made on behalf of the parties, it appears that petitioner on being selected in 1st SLST, 2016 (Upper Primary) was recommended by the Chairman of the Commission *vide* memo dated 25th November, 2024. In terms of Rule 17(3) of said Rules of 2016 recommendation remained valid for ninety days and in an appropriate case if it is found expedient validity of recommendation can be extended by the concerned authority of the Commission for a further period of sixty days.
5. In the present case, it is true that petitioner did not join the post of Assistant Teacher as per recommendation dated 25th November, 2024

but she applied for extension of validity of recommendation within the period of ninety days when recommendation was alive in terms of Rule 17(3) of said Rules of 2016. A letter was submitted before the Chairman of the Commission on 24th December, 2024 whereas petitioner was recommended *vide* memo dated 25th November, 2024.

6. Issue needs to be decided taking note of the fact that petitioner lost job after being appointed as an Assistant Teacher on being selected in 1st SLST, 2016 for Classes IX and X. It is also found that it is within the domain of the concerned authority of the Commission to extend validity of recommendation beyond the period of ninety days for a further period of sixty days but in the present case, nothing is found that a decision has been taken on the application made by the petitioner on 24th December, 2024 seeking extension of validity of recommendation dated 25th November, 2024. Reliance is also placed on the judgment dated 11th July, 2025 passed by this Court on a writ petition being **WPA 12048 of 2025 (Nahida Sultana vs. The State of West Bengal & Ors.)**.
7. As a special case where it is found that petitioner lost her job in terms of judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in **Baishakhi Bhattacharyya (Chatterjee) (supra)** and taking note of the fact that petitioner approached the Chairman of the Commission seeking extension of validity of recommendation within the period of ninety days from the date of recommendation, concerned authority of the Commission is directed to extend validity of recommendation dated

25th November, 2024 for a period of sixty (60) days from date of communication of this order and permit the petitioner to join the post of Assistant Teacher in Kalagram Junior High School, Bankura. Necessary order is to be passed by the Chairman of the Commission by seven (7) days from date of communication of this order. After extending validity of recommendation by the Chairman of the Commission concerned authority of Kalagram Junior High School, Bankura shall take necessary steps for joining of the petitioner in the recommended post. Before permitting the petitioner to join the post school authority shall verify the testimonials of the petitioner.

8. Writ petition stands disposed of.
9. However, there shall be no order as to costs.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)