

05.08.2025
Court No. 18
Item No. 21
(Suvendu)

WPA 13862 of 2025

Abhinaba Hazra
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
..for the petitioner

Mr. Sunit Kumar Roy
....for the WBCSSC

1) Affidavit of service filed on behalf of the petitioner is taken on record.

2) Petitioner on being selected in 1st State Level Selection Test, 2016 (Upper Primary) was recommended for being appointed as Assistant Teacher vide recommendation dated 20th December, 2024. Petitioner did not join the recommended post since at the material point of time petitioner was working as Assistant Teacher in another school for higher classes. Petitioner lost job in terms of judgment of the Hon'ble Supreme Court dated 3rd April, 2025 delivered in Appeal arising out of Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Others). Petitioner approached the school authority where petitioner was recommended to join the post based on aforesaid recommendation and the school authority in its turn forwarded the issue to the concerned authority of West Bengal Central School Service Commission (for short, "Commission"). However, school authority made such exercise beyond ninety days from the date of recommendation. It is further submitted by the

learned advocate for the petitioner that petitioner is untainted candidate.

3) The Commission is represented by learned advocate. However, State respondents are not represented.

4) It is submitted by learned advocate representing the Commission that recommendation ceased to exist after expiry of ninety days 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 submitted unless validity of recommendation is extended petitioner is not entitled to join the post in terms of recommendation issued earlier.

5) It appears from the submissions made on behalf of the parties that petitioner could not join the post in terms of previous recommendation for upper primary level of classes since at the material point of time petitioner was working as Assistant Teacher for higher classes. However, petitioner lost job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 which prompted the petitioner to approach this Court with this writ petition seeking direction for joining of the petitioner as per previous recommendation.

6) Under the aforesaid special facts and circumstances, Chairman of the Commission is directed to decide whether validity of recommendation issued in favour of the petitioner in connection with 1st SLST, 2016 (Upper Primary) is to be extended or not in terms of proviso to Rules 17(3) of the said Rule of 2016, within a period of four weeks from date of communication of this order. Decision to be taken by the Chairman of the

Commission shall be communicated to the petitioner by fortnight thereafter.

7) Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)