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14.08.2025
Ct. No. 18
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W.P.A. 14428 of 2025

**Sumana Kundu
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
...for the petitioner
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

1. Matter is heard pursuant to the order dated 7th August, 2025 when Dr. Sutanu Kumar Patra, learned advocate representing West Bengal Central School Service Commission submits that on receipt of letter from the petitioner on 7th April, 2025 in connection with recommendation memo issued by the Chairman, West Bengal Central School Service Commission vide memo dated 11th November, 2024, a memo dated 16th April, 2025 was forwarded to the authority of Simlapal Mangalmoyee Balika Vidyamandir, Bankura (hereinafter referred as said school) seeking clarification as to why steps were not taken for appointing the petitioner in the recommended post within time. It is submitted that in response to such memo dated 16th April, 2025 Headmistress-cum-Secretary of said school being respondent no. 5 responded vide letter dated 5th

May, 2025 addressed to the concerned authority of West Bengal Central School Service Commission (for short 'Commission') that inadvertently steps could not be taken for appointing the petitioner on the recommended post and it was also informed that the said post is lying vacant, in the event validity of recommendation is extended steps would be taken for appointing the petitioner.

2. It is submitted on behalf of the petitioner that she participated in 1st State Level Selection Test, 2016 for classes IX and X and was selected and thereafter was appointed as an assistant teacher in secondary school for classes IX and X. Petitioner lost job in terms of the judgment dated 3rd April, 2025 passed by the Hon'ble Supreme Court in Civil Appeal arising out of Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal Vs. Baisakhi Bhattacharyya (Chatterjee) & Ors.).
3. Petitioner simultaneously participated in 1st State Level Selection Test (Upper Primary) and was selected resulting in issuance of recommendation vide memo dated 11th November, 2024 by the concerned authority of the Commission. It is contended on behalf of the petitioner that she could not join the post as said school authority

fail to communicate the petitioner to appear before the school authority for verification of testimonials and no appointment letter was issued pursuant to the said recommendation memo dated 11th November, 2024. Prayer is made for extending validity of recommendation memo dated 11th November, 2024 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 in order to enable the petitioner to join the recommended post.

4. This Court finds petitioner was selected in both the selection processes namely 1st State Level Selection Test, 2016 for IX and X and 1st State Level Selection Test, 2016 (Upper Primary). In connection with both the selection processes recommendation were made to the petitioner resulting in joining of the petitioner in the post meant for classes IX and X in a secondary school. Petitioner lost job in terms of the judgment of Hon'ble Supreme Court dated 3rd April, 2025 delivered in Baisakhi Bhattacharyya (Chatterjee) (supra).
5. Due to failure on the part of the said school authority steps were not taken extending opportunity to the petitioner to join the post in

terms of recommendation memo dated 11th November, 2024 requiring extension of validity of recommendation in terms of proviso to Rule 17(3) of the aforesaid Rules of 2016.

6. Under the special circumstances alluded above concerned authority of Commission is directed to extend validity of recommendation memo dated 11th November, 2024 for a period of 60 (sixty) days from the date of communication of this order. On behalf of Commission within 7 (seven) days appropriate order is to be issued to the school authority as well as to the petitioner herein based on which said school authority shall issue appointment letter in favour of the petitioner by fortnight thereafter. Petitioner shall join the post by fortnight thereafter but before joining said school authority shall verify the testimonials of the petitioner.
7. With the aforesaid directions, writ petition stands disposed of.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)