

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

24 07.08.2025
rkd Ct.18
DO

W.P.A. 14362 of 2025

Mrinmay De

-vs-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya,
Mr. Bidhan Biswas

....for the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

.....for the WBCSSC.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

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 memo dated 21st November, 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 made an application seeking extension of validity of recommendation dated 21st November, 2024 which would permit the petitioner to join the post for upper primary level of classes. It is further submitted by the learned advocate for the petitioner that petitioner is untainted candidate.

3. Respondents are represented by learned advocates.
4. It is submitted on behalf of the petitioner that within the period of ninety days from the date of issuance of recommendation memo dated 21st November, 2024 petitioner approached the school authority where he was recommended by submitting a letter dated 16th January, 2025 for extending the time for joining of the petitioner.
5. It is further contended since approach was made by the petitioner before the school authority within the validity of the recommendation dated 21st November, 2024 that needs to be considered by the Commission in issuing re-recommendation in favour of the petitioner.
6. It is submitted by learned advocate representing West Bengal Central School Service Commission (for short, "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.

7. 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.
8. Under the aforesaid special facts and circumstances, Chairman of the Commission is directed to decide application of the petitioner seeking extension of validity of recommendation in terms of proviso to Rule 17(3) of the said Rule of 2016 by four weeks from date of communication of this order.
9. While taking such decision Chairman of the Commission shall take into consideration the prayer made by the petitioner vide letter dated 16th

January, 2025 to the school authority where petitioner was recommended within a period of ninety days from the date of recommendation made on 21st November, 2024.

10. Decision to be taken by the Chairman of the Commission shall be communicated to the petitioner by fortnight thereafter.
11. Writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)