

**21.08.2025**  
Court No. 18  
Item No. 04  
(Suvendu)

**WPA 15200 of 2025**

Somen Biswas  
-Versus-

The State of West Bengal & Ors.

Mr. Anindya Bose  
Mr. Santanu Maji  
Mr. Mridul Biswas  
Ms. Debrani Mondal  
.....for the petitioner

Ms. Jhuma Chakraborty  
Ms. Munmun Tewari  
.....for the State

Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey  
.....for the WBCSSC

- 1) Learned advocate representing West Bengal Central School Service Commission (for short, "Commission") on instruction submits that the vacancy where petitioner was recommended vide memo dated 6<sup>th</sup> March, 2025 is still lying vacant but it is not a case where petitioner has lost job in terms of judgment of the Hon'ble Supreme court dated 3<sup>rd</sup> 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 could have joined the post in terms of recommendation dated 6<sup>th</sup> March, 2025 but due

to certain reasons petitioner decided not to join. Therefore, whether petitioner should get the benefit of extension of 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 Teacher for Upper Primary Level of Schools) Rule, 2016 needs consideration by the concerned authority of the Commission.

2) Petitioner on being selected in 1<sup>st</sup> State Level Selection Test, 2016 (Upper Primary) was recommended vide memo dated 6<sup>th</sup> March, 2025 but he could not join as it was submitted on behalf of the petitioner that petitioner's father was ill. Petitioner made prayer for extension of validity of recommendation which was received by the Commission as it appears from page 28 of the writ petition on 30<sup>th</sup> June, 2025. Therefore, it appears that petitioner did not approach the Commission within ninety days from date of recommendation that is dated 6<sup>th</sup> March, 2025. Extension of validity of recommendation is not a matter of course. It depends upon the decision to be taken by the concerned authority of the Commission if it is found expedient.

3) Secretary of the Commission being respondent no. 5 is directed to decide the prayer of the

petitioner for extension of validity of recommendation by four weeks from date of communication of this order. Decision to be taken by respondent no. 5 shall be communicated to the petitioner by ten days thereafter. Authorities are directed not to fill up the post in terms of recommendation dated 6<sup>th</sup> March, 2025 till decision is taken by the respondent no. 5 and same is communicated to the petitioner.

- 4) Writ petition stands dispose of.
- 5) There shall be no order as to costs.
- 6) Urgent photostat certified copy of this order if applied for be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**