

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 15984 OF 2025

**TUMPA GHOSH @ TUMPA PAUL GHOSH
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Mr. Pritha Biswas, Adv.

...for the Petitioner

Mr. Supriya Chattopadhyay, AGP
Mr. Priyabrata Ghosh, Adv.

...for the State

Mr. Sunit Kumar Roy, Adv.

...for the W.B.C.S.S.C.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was selected in 1st State Level Selection Test, 2016 (Upper Primary) and a recommendation was made *vide* memo dated 18th November, 2024 by the Chairman, West Bengal Central School Service Commission (for short, '*Commission*') thereby requesting the petitioner to join the post of Assistant Teacher in Piplon Sri Arabinda Vidyamandir, Purba Burdwan.
3. Petitioner at the material point of time was working as a Primary Teacher and refused to join the recommended post as it appears from the letter of the Headmistress of the aforesaid school dated 9th April, 2025 addressed to the Chairman of the Commission. Petitioner subsequently, changed decision and decided

to join the post of Assistant Teacher in the aforesaid school provided validity of recommendation is extended and an application was made on 8th April, 2025 addressed to the Chairman of the Commission seeking extension of validity of recommendation.

4. It is submitted that 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 concerned authority of the Commission can extend validity of recommendation for a further period of 60 days beyond 90 days. Petitioner prays for invocation of proviso to Rule 17(3) and to extend validity of recommendation.
5. State respondents and Commission are represented by learned advocates.
6. It is submitted by Mr. Roy, learned advocate representing the Commission that it is not a case where petitioner has lost job in terms of the order of the Hon'ble Supreme Court dated 3rd April, 2025 passed in ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.***, petitioner on her own volition decided not to join the recommended post after issuance of recommendation memo dated 18th November, 2024 and just few days before expiry of 150

days from the date of issuance of recommendation application was made seeking extension of recommendation. Therefore, petitioner is not entitled to get the benefit of proviso to Rule 17(3).

7. Having considered the respective submissions made on behalf of the parties and taking note of the provisions as contained under Rule 17(3), Chairman, West Bengal Central School Service Commission being respondent no.3 is directed to take decision on the application of the petitioner dated 8th April, 2025 seeking extension of validity of recommendation by four (4) weeks from the date of communication of this order. Decision to be taken by the respondent no.3 shall be communicated to the petitioner by fortnight thereafter.
8. With the aforesaid directions writ petition stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)