

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 17029 OF 2025

PRITAM BERA
VS.
THE STATE OF WEST BENGAL & OTHERS

Mr. Biswarup Biswas, Adv.
Ms. Nupur Choudhuri, Adv.

...for the Petitioner

Mr. Sunit Kumar Roy, Adv.

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

Ms. Koyeli Bhattacharyya, Adv.

...for the W.B.B.S.E.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits petitioner on being selected in 1st State Level Selection Test, 2016 (Upper Primary) was recommended by the Chairman, West Bengal Central School Service Commission (for short, '*Commission*') *vide* memo dated 17th December, 2024 for being appointed as Assistant Teacher in a Government aided secondary school. Petitioner did not join the recommended post since petitioner was working as a Primary Teacher.
3. Learned advocate representing the petitioner submits that petitioner apprehends he may lose his job since appointment of the petitioner along with several other similarly placed Primary Teachers is under consideration before the Hon'ble Division Bench.

However, it is submitted that petitioner is still working as Primary Teacher.

4. Petitioner made an application for extension of validity of recommendation dated 17th December, 2024 on 2nd July, 2025. Such application dated 2nd July, 2025 is addressed to the Chairman of the Commission and prayer is made for consideration of petitioner's application for extension of validity of recommendation in terms of 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 (hereinafter referred to as '*said Rules of 2016*').
5. Commission and West Bengal Board of Secondary Education are represented by learned advocates, who have jointly opposed this writ petition as 150 days have already expired from the date of issuance of recommendation on 17th December, 2024. It is submitted in terms of relevant provisions of the said Rules of 2016 that at this belated stage Commission is not authorized to consider said application of the petitioner dated 2nd July, 2025.
6. Petitioner was recommended for being appointed as Assistant Teacher *vide* memo dated 17th December, 2024 but after such recommendation was issued

petitioner neither joined the post nor approached the concerned authority of the Commission within the validity of recommendation that is, 90 days as contemplated under Rule 17(3); petitioner even within the next period of 60 days as per proviso to Rule 17(3) did not make prayer for extension of validity of such recommendation. Petitioner made application seeking extension of validity of recommendation on 2nd July, 2025 when 150 days already expired in the month of May, 2025.

7. In terms of Rule 17(3) of the said Rules of 2016 once recommendation is issued for appointment in the post of Assistant Teacher by the Commission, same remains valid for 90 days and if Commission finds it expedient, validity of recommendation can be extended for a period of 60 days not beyond that.
8. In the present case, 150 days (90 days + 60 days) expired in the month of May, 2025 and thereafter application was made in the month of July, 2025 seeking extension of validity of recommendation. Moreover, petitioner is working as Primary Teacher which was the reason for not joining the recommended post within time in terms of recommendation dated 17th December, 2024.

9. In this regard reliance is placed by the petitioner on an order dated 25th July, 2025 passed by this Court on a writ petition being **WPA 1545 of 2025 (Ashim Kumar Singha vs. The State of West Bengal & Ors.)**. On perusal of the said order it appears that fact situation was different and direction was given upon the Commission to decide application of the petitioner therein in consideration of the fact that father of the petitioner had an operation which prevented him to join the recommended post and thereafter he approached the Commission seeking extension of validity of recommendation which was prior to expiry of 150 days. Therefore, ratio of **Ashim Kumar Singha (supra)** does not come in aid of the petitioner in the present case.
10. In view of aforesaid conspectus, writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)