

9th Dec., 2025
Item no.D/L 34
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 25541 of 2025**

In the matter of :
Soumyendu Mallick *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Sudip Ghosh Chowdhury
Ms. Sreejeta Mitra
Ms. Pritha Biswas *....Advocates*

For the WBCSSC:
Mr. Dr. Sutanu Kr. Patra
Ms. Supriya Dubey *....Advocates*

For the State:
Mr. Rajarshi Basu
Mr. Musior Rahaman *....Advocates*

1. On 4th December, 2025 Mr. Musior Rahaman learned advocate represented the State respondent in the matter. His name was inadvertently recorded as ‘Motiur Rahaman’ in the order dated 4th December, 2025.
2. The department is directed to carry out the necessary corrections at once.
3. Rest of the order dated 4th December, 2025 remains unaltered.
4. In furtherance of the direction passed by the Court on 4th December, 2025, learned advocate representing the Commission submits that the process of filling up the 1242 vacancies is continuing in compliance of the direction passed by this Court.
5. It has been submitted that the panel in question, where the name of the petitioner featured, expired in September, 2025. At this stage, there is no scope for extending the period of recommendation in

favour of the petitioner, who deliberately did not join the service in terms of the recommendation.

6. It appears that the petitioner is a job loser, who lost the job in terms of the judgment passed by the Hon'ble Supreme Court on 3rd April, 2025 in *Civil Appeal No. 4800/2024 [State of West Bengal –vs.- Baishakhi Bhattacharya (Chatterjee) & Ors.]*.
7. Attention of the Court has been drawn to the order passed by the Hon'ble Division Bench of this Court on 25th November, 2025 in *MAT 1512 of 2025 with I.A. No. CAN 1 of 2025 (West Bengal Central School Service Commission & Anr. –vs.- Arpita Pramanik & Ors.)* wherein the Hon'ble Division Bench took note of the fact that the candidate was empanelled and came within the listed vacancies of the Commission but as the candidate was absent in the process of counselling, the recommendation letter lapsed.
8. Under such circumstances, the Hon'ble Division Bench directed the Commission to permit counselling of the said candidate with a rider that the participation in the counselling shall be subject to availability of matching vacancies.
9. In the instant case, keeping in mind the current jobless status of the petitioner and the fact that the petitioner was recommended by the Commission for appointment in a school, accordingly, the Commission is directed to take a sympathetic view of the matter.
10. The Commission is directed to recommend the petitioner subject to availability of matching vacancies only after the 1242 vacancies are filled up.
11. The impugned order of rejection for extension of the period mentioned in the recommendation letter stands set aside.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)