

W.P.A. 30625 of 2024

**Durga Prasad Dunna
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Roy
Ms. Arpa Chakraborty
...for the petitioner

Mr. Gazi Faruque Hossain
Sk. Nezamuddin
...for the respondent no. 9

Mr. Swapan Banerjee
Mr. Soumen Chatterjee
...for the State

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

Affidavit of service filed on behalf of the petitioner
is taken on record.

By presenting this writ petition, *inter alia*,
petitioner has made an attempt to question
recommendation memo dated 23rd November, 2024
issued by the Chairman, West Bengal Central School
Service Commission whereby respondent no. 9 has been
recommended for transfer to the post of Headmaster in
Kharagpur Telgu Vidyapeetham High School, District-
Paschim Medinipur (hereinafter referred to as the said
school).

Learned advocate representing the petitioner
submits that at present he is the teacher-in-charge of
the said school and he is contemplating to participate in

the next selection process for being appointed in the post of headmaster. According to the petitioner if respondent no. 9 joins the post of headmaster in the said school on transfer in terms of the recommendation memo dated 23rd November, 2024 in that event if he is selected in future selection process which is to be conducted by the West Bengal Central School Service Commission for filling up the post of headmaster his chance to be appointed as headmaster of the said school would be sealed forever. Therefore, petitioner prays for cancellation of recommendation memo dated 23rd November, 2024 which has been issued in favour of the respondent no. 9 for his transfer to the post of headmaster in the said school.

The writ petition is opposed by the learned advocates representing West Bengal Central School Service Commission and respondent no. 9 on the count that petitioner has no *locus standi* to challenge the recommendation memo dated 23rd November, 2024 since he did not participate in 1st State Level Selection Test (HM), 2017. Therefore, he is not a selected candidate for filling up the post of headmaster in a school. It is also submitted that decision has been taken by the concerned authority of West Bengal Central School Service Commission to transfer the respondent no. 9 to the post of headmaster of the said school in terms of the order of the Hon'ble Division

Bench dated 31st July, 2024 passed on an intra Court appeal being FMA 1290 of 2022. Therefore, according to the respondents the impugned recommendation memo dated 23rd November, 2024 may not be interfered with.

Having considered the submissions made on behalf of the respective parties and taking note of the order of the Hon'ble Division Bench dated 31st July, 2024 it appears that the Hon'ble Division Bench took note of the fact that due to expiry of five years period after appointment of respondent no. 9 in the post of headmaster it was found permissible so far West Bengal Central School Service Commission is concerned to take a fresh decision on the application of the respondent no. 9 seeking transfer to the said school for the post of headmaster. In terms of the leave granted by the Hon'ble Division Bench as contained in order dated 31st July, 2024 the concerned authority of the Commission has taken decision and a recommendation has been issued on 23rd November, 2024 permitting the respondent no. 9 to be transferred to the post of headmaster in the said school which ought not to be interfered with in connection with the present writ petition which has been preferred by the teacher-in-charge of the said school. Petitioner has no *locus standi* to question the validity of the recommendation memo dated 23rd November, 2024 since he did not participate in 1st SLST (HM) 2017. Therefore, he was not a selected

candidate for appointment in the post of headmaster. Mere contemplation to participate in future selection process for being appointed in the post of headmaster does not confer right upon the petitioner to question the validity of the recommendation memo dated 23rd November, 2024.

Hence, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)