

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

5
21.07.2025
Ct. No. 2
adeb

WPA 1396 of 2025

**Prabir Biswas
Vs.
The State of West Bengal & Ors.**

Mr. S.P. Lahiri

....For the petitioner

**Mr. Sourav Ganguly
Mr. Gopal Roy**

....For the Respondent nos. 4 and 5

**Ms. Bedashruti Bose
Mr. Sandip Guha Roy**

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and District Primary School Council, Jalpaiguri.
3. Petitioner is presently working as a primary teacher who was selected in 1st State Level Selection Test, 2016 (Upper Primary) for being appointed as assistant teacher in upper primary section in a Government aided secondary school. Petitioner apprehends if he is appointed as assistant teacher in secondary school on being selected in 1st State Level Selection Test (Upper Primary) he will get lesser pay than the pay he is getting being a primary teacher.

4. Petitioner prays for direction for fixation of his pay being an assistant teacher in upper primary section in Government aided secondary school providing pay protection, only then petitioner will be able to join the post of assistant teacher.
5. While hearing the learned advocates representing the parties it appears that recommendation was issued by the Chairman, West Bengal Central School Service Commission vide memo dated 8th April, 2025 permitting the petitioner to join the post of Assistant Teacher in Giadoba Junior High School, Paschim Bardhaman. In terms of Rule 17(3) of the relevant Rules of 2016 life of recommendation for being appointed as assistant teacher on being selected in 1st State Level Selection Test, 2016 (Upper Primary) is 90 days. Taking note of the fact that recommendation was issued on 8th April, 2025 period of 90 days was over on 7th July, 2025. Therefore, today the recommendation dated 8th April, 2025 is not subsisting. Though as per proviso to Rule 17(3) concerned authority of the West Bengal Central School Service Commission is empowered to extend validity of recommendation for a further period of 60 days beyond 90 days, if it is found to be expedient. However, in the present case there is no such order passed by the Commission extending life of the recommendation dated 8th April, 2025 neither any application is made by the petitioner before

the concerned authority of the Commission seeking extension of validity of recommendation.

6. As on date in terms of Rule 17(3) since recommendation dated 8th April, 2025 is not subsisting relief as prayed for on behalf of the petitioner cannot be granted.
7. Hence, writ petition stands dismissed.
8. However, this order shall not preclude the petitioner to apply for extension of recommendation dated 8th April, 2025 before the concerned authority of the West Bengal Central School Service Commission.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)