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09.10.2026
Court No.24
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IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA 13933 of 2026

Kaushik Mallick
-vs-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Pritha Biswas
Ms. Upasana Sarkar ... For the petitioner

Mr. Sunit Kumar Roy ... For the WBCSSC

1. The petitioner was appointed as a teacher after he was successful in the 1st SLST, 2016. The appointment of the petitioner stood nullified by the judgment passed by the Hon'ble Supreme Court on 3rd April 2025 in Civil Appeal No.4800 of 2024 in the matter of State of West Bengal v. Baishakhi Bhattacharyya (Chatterjee) & Ors.

2. The petitioner has been repatriated to his earlier posting, but at a school which the petitioner claims to be 162 kilometers away from his residence.

3. He submits that his wife is suffering from serious gynecological issues for which it is absolutely impossible for him to commute to such far off distance on daily basis. He prays for re-recommendation to a school which is commutable from his residence on daily basis.

4. The petitioner also applied for transfer to a school nearby to his residence. The same is also pending consideration.

5. Learned counsel representing the School Service Commission submits that if the Commissioner forwards any matching vacancy

where the petitioner may be posted, then the case of the petitioner may be considered.

6. None represents the State despite service. Affidavit of service is taken on record.

7. It appears that the petitioner has annexed several medical documents with the writ petition in support of his submission that his wife is suffering from serious gynecological issues.

8. In the absence of any instruction from the Commissioner of School Education, it will not be possible for the Court to decide the issue conclusively.

9. In view of the above, the instant writ petition is disposed of with the observation that it will be open for the petitioner to make a comprehensive representation before the Commissioner of School Education annexing all documents in support of his stand.

10. If such representation is filed by the petitioner, then the Commissioner of School Education shall take steps to find out a matching vacancy which is close to the residence of the petitioner and which is commutable on regular basis by the normal means of transport.

11. If such a vacancy is found, the same shall be forwarded to the Commission for re-recommending the petitioner at the said school. The petitioner may forward matching vacancies where he may be posted. The same may also be considered by the Commissioner.

12. Steps shall be taken by the Commissioner at the earliest but positively within a period of eight weeks from the date of receipt of the comprehensive representation along with supporting documents from the petitioner.

13. Prior to passing a final order in the matter, the Commissioner of School Education

shall provide an opportunity of hearing to the petitioner to place his case and to put forth the vacancies which is within his knowledge where he may be posted.

14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

15. Certified server copy of this order, if applied for, be supplied to the parties on compliance of all requisite formalities.

[Amrita Sinha, J]