

03.02.2026
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MAT 1542 of 2025
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IA No.: CAN 1 of 2025
Chiranjit Patra
- Versus -
The State of West Bengal & Others

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra
... for the Appellant.

Mr. Rajarshi Basu,
Mr. K. M. Hossain
... for the State/ Respondents.

Mr. (Dr.) Sutanu Patra,
Mr. Sunit Roy,
Ms. Supriya Dubey
... for the WBCSSC

The present appeal has been preferred challenging an order dated 04.09.2025 passed by the learned single Judge in a writ petition, being WPA 17915 of 2025 dismissing the writ petition. The said writ petition was preferred praying for issuance of necessary directions upon the respondents to allow the writ petitioner, namely, Chiranjit Patra (in short, Chiranjit) to join as an Assistant Teacher in Upper Primary Level in the recommended post by extending the time limit of recommendation.

Records reveal that Chiranjit was recommended by the West Bengal Central School Service Commission (in short, the Commission) *vide* memo dated 21.11.2024 for

appointment to the post of an Assistant Teacher in Uttar Rameswarpur Junior High School (in short, the said school). On 29.11.2024, the Secretary of the said school requested Chiranjit to appear before the school authority within three days from the date of receipt of the said letter for verification of documents. Subsequent thereto, Chiranjit submitted a representation on 07.04.2025 to the Chairman of the Commission praying for extension of the period of recommendation and stating, *inter alia*, that he was working as an Assistant Teacher in primary school and that in view of the prevailing dispute as regards appointment of Upper Primary teachers, he had not been able to join the said school within the time mentioned. Such prayer for extension of joining time was forwarded to the Chairman of the Commission by the respondent no.5 *vide* memo dated 14.05.2025. However, as Chiranjit's representation was not considered, he was constrained to prefer the writ petition.

Mr. Ghosh Chowdhury, learned advocate appearing for Chiranjit had primarily argued that one Rinki Poddar (in short, Rinki), who was recommended on 23.12.2024, submitted a representation for extension of joining time after expiry of a period of ninety days from the date of such recommendation. Such representation was duly considered by the Commission in exercise of the discretion conferred upon the Commission by the proviso

to 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 (in short, 2016 Rules) and initially such recommendation was extended for thirty days. In view thereof, no different yardstick could not have been applied in respect of Chiranjit and his claim ought to have been considered by the Commission even though he made an application beyond the period of ninety days from the date of issuance of the recommendation. On the rudiments of such argument, Mr. Ghosh Chowdhury prays for relegation of Chiranjit's claim for extension of recommendation for consideration to the Commission.

Dr. Patra, learned advocate appearing for the Commission, however, denies and disputes the contention of Mr. Roy Chowdhury and submits that there is no statutory obligation on the part of the Commission to respond to each and every representation submitted for extension of recommendation or re-recommendation and to intimate the applicant the reasons for rejection. The parity as claimed by Chiranjit with Rinki is unfounded in as much as the facts and circumstances involved in the case of Rinki are totally different from those of Chiranjit and that as such, no interference is called for and the learned single Judge rightly refused to exercise discretion in favour of Chiranjit. In the case of

Rinki, the Commission extended the validity considering the extreme medical complications suffered by her.

We have heard the learned advocates appearing for the respective parties and considered the materials on record. Instead of relegating the matter to the Commission for consideration of Chiranjit's prayer, we invited Mr. Ghosh Chowdhury to advance his arguments in support of Chiranjit's claim of parity with that of Rinki.

According to Mr. Ghosh Chowdhury, Chiranjit was issued recommendation on 21.11.2024. The period of ninety days expired on 21.02.2025 and the representation for extension of the period of recommendation was submitted by Chiranjit on 07.04.2025 stating *inter alia* that for different reasons and in view of the prevailing dispute as regards appointment of Upper Primary teachers, he could not join the school within a period of 90 days from the date of recommendation.

In the affidavit-in-opposition, filed by the Commission, it has been disclosed that Rinki was recommended by a memo dated 23.12.2024. The period of 90 days expired on 23.03.2025 and she submitted a representation on 07.04.2025 categorically stating that she was suffering from a high-risk pregnancy and her doctor advised her complete bed rest. In view thereof, she could not join the concerned school and such fact

was intimated also to the concerned school. Thereafter, on 18.03.2025 she underwent medical checkup and she had to abort the twin babies on 28.03.2025.

In the said conspectus, we are of the opinion that the facts and circumstances involved in Rinki's case are totally different than that of Chiranjit. In his representation dated 07.04.2025 Chiranjit did not state any specific reason for not being able to join the concerned school within a period of 90 days from the date of recommendation.

In view thereof, we do not find it necessary to relegate the matter to the Commission for consideration of Chiranjit's claim for extension of the period of recommendation.

Accordingly, no interference is called for in the present appeal.

The appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)