

MAT 1662 of 2025
with
IA No. CAN 1 of 2025
(Md. Arif Billah Sardar Vs. State of West Bengal & Ors.)

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

... For the appellant

Mr. Moniruzzaman
Mr. Subir Pal

..... For the State respondents

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
Mr. Sunit Kr. Roy

..... For the WBCSSC

The present appeal has been preferred challenging an order dated 12.09.2025 passed by the learned single Judge in a writ petition, being WPA 18607 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, Md. Arif Billah Sardar Patra (in short, Arif) to join as an Assistant Teacher in Upper Primary Level in the recommended post by extending the time limit of recommendation.

Records reveal that Arif was recommended by the West Bengal Central School Service Commission (in short, the Commission) *vide* memo dated 19.12.2024 for appointment to the post of an Assistant Teacher in Bamanbarh Gopal Chandra Adarsha Vidyapith High School (in short, the said school). On 27.12.2024, the Administrator of the said school requested Arif to appear before the school authority for

verification of documents. Subsequent thereto, Arif submitted a representation on 13.05.2025 to the Chairman of the Commission praying for extension of the period of recommendation and stating, *inter alia*, that due to his mother's illness as well as his engagement as an assistant teacher in a Primary School he could not 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.4 *vide* memo dated 23.07.2025. However, as Arif's representation was not considered, he was constrained to prefer the writ petition.

Mr. Ghosh Chowdhury, learned advocate appearing for Arif 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 Arif 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 Arif'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 Arif with Rinki is unfounded in as much as the facts and circumstances involved in the case of Rinki are totally different from those of Arif and that as such, no interference is called for and the learned single Judge rightly refused to exercise discretion in favour of Arif. In the case of Rinki, the Commission extended the validity considering the extreme medical complications suffered by her.

Mr. Moniruzzaman, learned advocate appearing for the respondent no.5 submits that Arif by a letter dated 21.01.2025 intimated the Administrator of the said school that he cannot join the said school and requested him to accept his non-joining and oblige.

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 Arif's prayer, we invited Mr. Ghosh

Chowdhury to advance his arguments in support of Arif's claim of parity with that of Rinki.

According to Mr. Ghosh Chowdhury, Arif was issued recommendation on 19.12.2024. The period of ninety days expired on 19.03.2025 and the representation for extension of the period of recommendation was submitted by Arif on 13.05.2025 stating *inter alia* that that due to his mother's illness as well as for his engagement as an assistant teacher in a Primary School he could not join the said 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 Arif. In his representation dated 13.03.2025 Arif did not specify any compelling reason and also suppressed that he had already issued a letter dated 21.01.2025 to the Administrator of the said school

intimating that he cannot join the said school and requested him to accept his non-joining and oblige.

In view thereof, we do not find it necessary to relegate the matter to the Commission for consideration of Arif'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.)