

10th Feb., 2026

Item no.D/L 25
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 27588 of 2022**

In the matter of :
Madhumita Das Kaibortya *Petitioner*
VS.
The State of West Bengal & Ors.*Respondents*

For the Petitioner:
Mr. Sudip Ghosh Chowdhury*Advocate*

For the WBCSSC:
Mr. Dr. Sutanu Kumar Patra
Ms. Supriya Dubey*Advocates*

For the WBBSE:
Mr. Bibek Dutta*Advocate*

For the State:
Mr. Sk. Md. Masud*Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. Leave granted to the advocate on record of the petitioner to implead the Commissioner of School Education as party respondent in the instant writ petition. Formality of serving a copy of the writ petition upon the added respondent stands dispensed with as the State is already represented by the learned advocate.
3. The petitioner is serving as a clerk. Her application for transfer was allowed and she was issued transfer order by the West Bengal Board of Secondary Education on 12th November, 2021 transferring her from Rampur High School to Katali High School.

4. Though the recommended school did not have a vacant post of clerk for accommodating the petitioner, even then the school permitted the petitioner to join.
5. The Additional District Inspector of Schools, Secondary Education, Arambagh, Hooghly vide order dated 4th January, 2022 accorded provisional approval to the post of clerk to the petitioner for continuation of her salary. The teacher-in-charge of the present school where the petitioner is serving has forwarded all credentials of the petitioner to the Commissioner of School Education for permanent approval. The same is pending consideration.
6. Submission of the petitioner is that the candidate who was holding the sanctioned post of clerk has since been terminated in view of the judgment passed by the Hon'ble Supreme Court on 3rd April, 2025 in the matter of State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee).
7. Prayer has been made by the petitioner to approve her service in the vacancy that has been created on termination of the approved staff in the sanctioned post.
8. Learned advocate representing the State respondents is not ready with any instruction in the matter.
9. As it appears that the matter is already pending consideration before the Commissioner of School Education, accordingly, the instant writ petition is disposed of by directing the Commissioner of School Education to take a decision on the petitioner's prayer for grant permanent approval to her service in the post of clerk in the vacant sanctioned post in the Katali High School at the earliest but

positively within a period of twelve weeks from the date of communication of this order.

10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)