12
**15.10.2026**
Court No.24
pg.

# IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

**WPA 30634 of 2026**

Nirmal Chauhan
-vs-
The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Asmita Mitra ... For the petitioner

Mr. Lokenath Chatterjee, JSC
Mr. Jagannath Chatterjee ... For the State

Mr. Sunit Kumar Roy ... For WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya ... For WBBSE

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 100 kilometers away from his residence.

3. He prays for re-recommendation to a school which is commutable from his residence on daily basis.

4. Learned counsel for the petitioner submits that the petitioner has already approached the Commissioner of School Education praying for consideration his request to post him at a school which is close to his residence. The representation of the petitioner is 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. The petitioner has annexed documents with the writ petition in support of his submission that he and his wife are suffering from serious medical issues.

7. 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.

8. As the representation filed by the petitioner is pending consideration, accordingly, the Commissioner of School Education is directed 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.

9. If such a vacancy is found, the same shall be forwarded to the Commission for re-recommending the petitioner in the said school. The petitioner has annexed certain vacancies where he may be posted. The same may also be considered by the Commissioner.

10. Steps shall be taken by the Commissioner at the earliest but positively within a period of eight weeks from the date of receipt of a copy of this order.

11. 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.

12. Learned advocate for the petitioner is directed to forward a copy of the subject representation, along with all supporting documents

to the aforesaid respondents at the time of communicating the order of the Court.

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

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

**[Amrita Sinha, J.]**