

WPA 19792 of 2011

Saktipada Ghosh .--vs-State of West Bengal & Ors

23.02.2026

ct.652, sl. 2
sk

Mr. Prahlad Chandra Ghosh
Mr. Subir Hazra
...for the petitioner

Mr. Saibal Kr. Acharyya
...for the School Authority

Mr. Milan Kr. Maity
...for the State respondents

1. The petitioner, the State respondent and the School Authority/respondent are represented.
2. An order of the Secretary, West Bengal Regional School Service Commission, Northern Region Malda dated 14.11.2011 is under challenge in this writ petition, on the allegations of want of authority and jurisdiction to pass the said authority.
3. Mr. Ghosh, learned advocate appears and submits that the petitioner was declared with 40% disablement vide the Disability Certificate dated 10.03.2005.
4. He further submits on the basis of the documents available with the writ petition that vide recommendation letter dated 1.8.2009, the petitioner has been recommended to be appointed as Teacher-in-Political Science in Physically handicapped category.

5. It is submitted further that since thereafter the petitioner has been continuously and to the satisfaction of all concerned, served the school till date. The approval of service of the writ petitioner has been granted with effect from 11.8.2009.
6. The petitioner is also aggrieved with the letter of the Secretary, West Bengal Regional School Service Commission, Northern Region Malda dated 10.05.2010 by dint of which he has been directed to appear for examination before the Medical Board, afresh.
7. The petitioner as well as the school authority submits that after recommending petitioner's name vide letter dated 11.8.2009, the School Service Commission has become functus officio since thereafter and shall have no jurisdiction to issue directions upon the writ petitioner as above.
8. Mr. Ghosh, learned advocate for the petitioner has relied on judgment of this Court in W.P.No. 6003(W) of 2010(Bidyut Kar-vs-State of West Bengal & Ors.) to submit that in similar facts situation, the Court had held in favour of the writ petitioner, setting aside the order of the authority as was impugned in that case.

9. Having heard all, since it appears that the allegation of the writ petitioner is against the School Service Commission, it is found proper to direct the petitioner to serve a notice upon the respondents School Service Commission/respondent no. 3.
10. Today's proceedings are adjourned till **25.2.2026** and the matter is listed on **25.2.2026** under the same heading.

(Rai Chattopadhyay, J.)