

08.7.2025
Sl. No.32
Court No.4
Ali

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 1289 of 2025

**Kalpita Roy & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari,
Sk. Imtiaz Uddin,
Ms. Rinka Chakraborty
.... for the Petitioners.

Mr. Subir Kumar Saha, Ld. AGP
Mr. Sumit Kumar
...for the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey
....for School Service Commission.

Affidavit-of-service filed by the learned
advocate on behalf of the petitioners be taken on
record.

The petitioners initially applied for appointment
to the post of Assistant Teacher in upper primary
level (V-VIII) in terms of an advertisement published
by the West Bengal School Service Commission on
September 23, 2016. Thereafter, the petitioners also
participated in the 1st SLST 2016 for the post of
Assistant Teacher for classes (IX-X) and emerged
successful.

The petitioners were thereafter appointed as Assistant teachers and their appointment was also approved by the relevant District inspector of Schools (S.E.).

However, the selection process initiated by the 1st SLST 2016 was ultimately cancelled by an order dated April 3, 2025 passed by the Hon'ble Supreme Court.

In terms of the aforesaid order the petitioners were allowed to continue in service in their respective schools till December 2025 as the names of the petitioners were not included in the list of tainted candidates.

While the petitioners were working as teachers in terms of the recommendation issued by the School Service Commission in respect of the 1st SLST 2016 for classes IX and X and the letters of appointment issued by the respective schools, the petitioners also received recommendation in respect of the 1st SLST 2016 for the post of Assistant Teacher for Upper Primary Level (i.e. Classes V-VIII). The petitioners were also issued letters of appointment by their respective schools pursuant to such recommendation issued to the petitioners after they qualified in 1st SLST 2016 Upper Primary (Class V-VIII).

Recommendations issued by West Bengal School Service Commission remain valid for a period of 90 days from the date of issuance thereof and the West Bengal School Service Commission has authority to extend the period of validity of such recommendation for another period not exceeding 60 days thereafter.

The petitioners were willing to act on the recommendation issued by the West Bengal School Service Commission but they could not do so because of certain unavoidable exigencies. Accordingly, the petitioners made representations either before the West Bengal Central School Service Commission or before the school wherefrom the petitioners had received the letter of appointment explaining the exigency that the petitioners faced and requested for extension of time to join the said post. The said representations made by the petitioners were left pending.

Since the period of 90 days during which the recommendations were supposed to remain valid has expired, the petitioners have approached this Court seeking relief.

Mr. Bari, learned advocate appearing for the petitioners relies on a judgment of this Court in the case of W.P. No. 2380 (W) of 2014 (Piyas Biswas V.

The State of West Bengal) wherein the provisions of West Bengal School Service Commission (Selection for appointment to the posts of Teacher in Upper Primary Level of School) Rules, 2016 (Rules 2017 thereof) fails for consideration. This Court upon having considered the said Rules ultimately observed that an appointing authority has no right to insist for joining within the stipulated period, and if within the validity of the recommendation request is received for extension of the joining time, such request cannot be spurned only on the ground of expiry of the period stipulated in the letter of appointment.

Mr. Bari also invites the attention of this Court to a notice dated March 8, 2025 whereby the West Bengal School Service Commission has already extended the validity periods of the recommendations issued to various candidates mentioned therein.

The West Bengal School Service Commission and the State respondents are represented.

Having heard the learned advocates appearing on behalf of respective parties and having considered the material on record, this Court is of the view that since the petitioners have already approached the respondent authorities (i.e. the petitioner No. 1 having approached the Chairman, West Bengal

School Service Commission and the petitioner No. 2 having approached the respondents school authority) seeking extension of time for joining within the period during which the recommendation would have been valid if the same had been extended by the commission, it would be proper at this stage to direct the Chairman, West Bengal Central School Service Commission (respondent No. 4) to consider the representations made by the petitioners (i.e. representations dated April 9, 2025 at page 27 of the writ petition addressed to the Chairman by the petitioner No. 1) and representation dated April 5, 2025 addressed to the Ad-Hoc Committee, Nowdapara Junior High School by the petitioner No. 2 at page 30 of the writ petition) and dispose of the same in the light of the judgment passed by this Hon'ble Court in W.P. No. 2380 (W) of 2014 referred to hereinabove.

The said Chairman shall pass a reasoned order and take a decision in the matter strictly in accordance with law while noting the aforesaid judgment as also the fact that the West Bengal School Service Commission has itself extended the validity of several candidates as would be apparent from the notice dated March 8, 2025.

Needless to mention that the order passed by the Chairman shall be communicated to the petitioner within a week from passing thereof. The entire exercise shall be concluded within a period of three weeks from the date of communication of this order.

It is submitted that deficit Court fees have already been put in by the petitioner. The receipt evincing such payment is taken on record.

With the above observations, WPA 1289 of 2025 stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)