

08.7.2025
Sl. No.40
Court No.4
Ali

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

WPA 1298 of 2025

**Dilip Barman
Vs.
The State of West Bengal & Ors.**

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

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 petitioner be taken on
record.

The petitioner 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 petitioner also
participated in the 1st SLST 2016 for the post of
Assistant Teacher for classes (IX-X) and emerged
successful.

The petitioner was thereafter appointed as Assistant teacher and his 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 petitioner was allowed to continue in service in her school till December 2025 as the name of the petitioner was not included in the list of tainted candidates.

While the petitioner was working as teacher 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 letter of appointment issued by the school, the petitioner 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 petitioner was also issued letter of appointment by the school pursuant to such recommendation issued to the petitioner after he 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 petitioner was willing to act on the recommendation issued by the West Bengal School Service Commission but he could not do so because of certain unavoidable exigencies. Accordingly, the petitioner made representations before the West Bengal Central School Service Commission as well as before the school wherefrom the petitioner had received the letter of appointment explaining the exigency that the petitioner faced and requested for extension of time to join the said post. The said representations made by the petitioner 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 petitioner has already approached the respondent authorities i.e. the Chairman, West Bengal School Service Commission as well as the School seeking extension of time for joining within the period during which the recommendation was

valid it would be proper at this stage to direct the Chairman, West Bengal Central School Service Commission (respondent No. 4) to consider the representation made by the petitioner (i.e. representations dated December 28, 2024 (at page 30 of the writ petition) and dated February 17, 2025 (at page 31 of the writ petition) both addressed to the Chairman 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 1298 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.)