

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 18607 OF 2025

**MD ARIF BILLAH SARDAR
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Ms. Pritha Biswas, Adv.
...for the Petitioner

Mr. Mohan Kumar Sanyal, Adv.
Mr. Sounak Bhattacharya, Adv.
Mr. Subhasish Bandyopadhyay, Adv.
...for the State

Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the W.B.C.S.S.C.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner prays for extension of validity of recommendation dated 19th December, 2024 which was issued by the Chairman, West Bengal Central School Service Commission since petitioner was selected in 1st State Level Selection Test, 2016 (Upper Primary). *Vide* said recommendation dated 19th December, 2024 petitioner was permitted to join the post of Assistant Teacher in a Government aided secondary school but petitioner chose not to join the post. Subsequently, petitioner made a prayer *vide* letter dated 13th May, 2025 seeking extension of validity of recommendation dated 19th December, 2024.

3. Prayer of the petitioner is opposed by the learned advocates representing the respondents on the strength of Rule 17(3) of the West Bengal School Service Commission (Selection for Appointment to the Posts of Teachers for Upper Primary Level of Schools) Rules, 2016. It is submitted after expiry of 90 days from the date of recommendation, said recommendation does not exist. Therefore, application of the petitioner dated 13th May, 2025 is belated application which may not require consideration.
4. Petitioner was selected in 1st SLST, 2016 (Upper Primary) and was recommended *vide* memo dated 19th December, 2024 for being appointed as Assistant Teacher in a Government aided secondary school but petitioner did not join the recommended post.
5. In terms of Rule 17(3) of the said Rules of 2016 once recommendation is issued same remains alive for a period of 90 days. After expiry of 90 days recommendation ceases to exist. In the event recommended candidate finds it difficult to join the post within the period of 90 days, said candidate is required to apply for extension of validity of recommendation within the period of 90 days not beyond that.

6. In the present case, petitioner applied for extension of validity of recommendation on 13th May, 2025 whereas 90 days expired on 18th March, 2025. At the time of making application on 13th May, 2025 seeking extension of validity of recommendation, said recommendation dated 19th December, 2024 already expired.
7. Moreover it appears that petitioner is working as Primary Teacher. Hence, prayer of the petitioner for consideration of his application dated 13th May, 2025 seeking extension of validity of recommendation is refused.
8. Writ petition stands dismissed.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)