

Court No. 17

WPA 12270 of 2021

**14.12.2021**

(AD 247 &  
248)

(S. Banerjee)

Sabina Yeasmin & Ors.

Vs.

The State of West Bengal & Ors.

with

WPA 14612 of 2021

(Via Video Conference)

Mr. Sudipto Dasgupta

Mr. Arka Nandi

Mr. Sutirtha Nayek

... for the petitioners (in WPA 12270 of 2021)

Mr. Supriyo Chattopadhyay

Mr. Samir Kumar Ghosh

... for the State (in WPA 12270 of 2021)

Mr. Debojit Samanta

... for the State (in WPA 14612 of 2021)

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Ms. Koyeli Bhattacharya

... for the WBBSE

**Re: WPA 12270 of 2021**

The West Bengal Board of Secondary Education has filed an affidavit (affirmed on 10.12.2021) as directed by this court on 2<sup>nd</sup> December, 2021.

In the said affidavit the Board has stated that all appointment letters, which are now in question in this matter, were issued pursuant to the recommendation letters received by the Board from different regions of the Commissions. The Board has said in the affidavit that it has received the recommendation letters from the

Commission and it has been clarified in response to a question by the court that the Board received the recommendation letters from different regions of the Commission. Thus the curious thing is the Commission a statutory authority controlled by the State Government is saying that they have not issued the recommendation letters but the other statutory authority also controlled by the State Government is submitting that they received it from different regions of the Commission.

Learned advocate for the petitioners has drawn my attention to the recommendation letters annexed to the Board's affidavit wherefrom it is found that the copy of the recommendation letters issued by different regions of the Commission were also sent to the District Inspectors of Schools (SE) of different districts and the said learned advocate has submitted that the District Inspectors of Schools should also intimate this court by filing reports as to wherefrom they received these recommendation letters - Commission or some other source.

I have considered the submissions made by the parties and after hearing I pass the following directions:

- a) The School Service Commission is directed to serve copy of the affidavit pages only of the affidavit filed today before the court affirmed on 10<sup>th</sup> December, 2021 along with the respective recommendation letters of the concerned candidate and Annexure B, Annexure C and Annexure D to all of the

added respondents by speed post with acknowledgement due and to collect the track report from the website of India Post.

b) I also direct the West Bengal Central School Service Commission to file one affidavit with the following particulars:-

- i) Number of vacancies declared in Group C posts in the recruitment process in question;
- ii) Whether all the vacancies were reported by the District Inspector of Schools to the Commission;
- iii) How many persons from the panel were recommended for giving appointment to Group C posts and how many vacancies were left And
- iv) How many persons from the waitlist for the said recruitment process were recommended by the Commission.

This affidavit is to be filed by the Commission by 22<sup>nd</sup> December, 2021 by mentioning before this court.

I also direct the learned advocate for the petitioners to prepare statement in a tabular form showing the names of the persons who have been made added respondents here and have been given appointment letters by the Board in a manner wherefrom it will appear in which school and in which region the said private respondents have been recommended. The dates of recommendation letters

should also be given in the said tabular form. It should be filed by mentioning this matter on 22<sup>nd</sup> December, 2021. The hearing of this matter is adjourned till 23<sup>rd</sup> December, 2021.

Learned advocate for the Commission has prayed for some further time to file the affidavit in opposition in this matter which the Commission was directed to file by 10 days from 30<sup>th</sup> November, 2021.

I extend the time by one day and the said affidavit is to be filed at 2 p.m. tomorrow, i.e., 15<sup>th</sup> December, 2021, before this court by mentioning.

The State is directed to file an affidavit by 22<sup>nd</sup> December, 2021 taking instruction from the concerned District Inspectors of schools as to how the District Inspector of Schools of different districts received the recommendation letters as appears from the recommendation letters which have come on record through the affidavit filed by the Board.

For convenience the affidavit may be affirmed by any of the responsible government officers of the Education Department, Government of West Bengal, on the basis of records received in this respect from the District Inspectors of Schools (SE) of different districts.

List this matter on 23<sup>rd</sup> December, 2021 at 2 p.m. for further hearing.

**Re: WPA 14612 of 2021**

This matter will appear along with WPA 12270 of 2021 on 23<sup>rd</sup> December, 2021.

**(Abhijit Gangopadhyay, J.)**