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16.11.
2021
Ct. No.17

WPA 12266 of 2021

Sandeep Prasad & Ors.
Vs.
The State of W. B. & Ors.

Mr. Sudipta Dasgupta
Mr. Bikram Banerjee
Mr. Arka Nandi
Mr. Sutirtha Nayek
.....For the Petitioners
Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
.....For the SSC
Mr. B. P. Vaisya, A.G.P.
Mr. Joydip Banerjee
.....For the State

The School Service Commission has filed one report in the form of an affidavit. In the report the Commission has admitted that the panel and the waiting list for the posts of 'Group-C' and 'Group-D' expired on 4th May, 2019. It also appears from one Notification of the West Bengal Central School Service Commission dated 02.09.2019 which is at page 55 (Annexure P-6) of the writ application. This is a Notification published by the West Bengal Central School Service Commission itself. From the said report in the form of an affidavit affirmed on 15th November, 2021 (Vide paragraph 6 (e)(1) it is found that under Section 16 of the West Bengal School Service Commission Act, 1997 the Central Commission has control over the Regional

Commissions and the Regional Commissions are subordinate to the Central Commission. From the said affidavit it is also found that the Commission wanted to know from the concerned Regional Commissions as to how three candidates were recommended from the expired panel but got no reply from the concerned region. This shows that the Central Commission has lost all control or has no control over the particular Regional Commission.

Today a bunch of appointment letters (copies) issued by the West Bengal Board of Secondary Education containing reference of recommendations issued by different regions like Western Region, Northern Region, Southern Region and Eastern Region has been handed over by the learned advocate for the petitioners to this court alleging all of those candidates have been recommended after expiry of the panel.

I direct the Secretary of the West Bengal Central School Service Commission to whom copies of all such appointment letters were sent by the West Bengal Board of Secondary Education to produce all the recommendation letters of the candidates in this bunch of documents tomorrow. A copy of this bunch of appointment letters (copy) has already been handed over to Dr. Patra, learned advocate for the School Service Commission. It contains twenty-five (25)

appointment letters.

Considering the submissions of the parties including the repeated submissions of Dr. Patra for giving some more time for production of the recommendation letters, I pass the following order:-

- (i) The petitioners are directed to affirm one affidavit and file it tomorrow by giving a statement in tabular form as to the names of the candidates of these twenty-five persons who have been recommended, in the posts of 'Group-C' and 'Group-D', the date of recommendation and the regions as understood from the references of recommendation letters for giving appointment.
- (ii) I direct the Secretary of the West Bengal Central Service Commission to be present personally with copies of all recommendation letters of the candidates in the bunch of papers handed over to the Commission by the learned advocate for the petitioners. The Secretary should come prepared to certify the copies of the recommendation letters as true copies thereof.

The matter will be taken as the first matter at the top tomorrow (17.11.2021) at 10-30 a.m.

The bunch of appointment letters as has been handed over to this court be kept with the record.

(Abhijit Gangopadhyay, J.)