

24.08.2026
Item No.5 to 9
Ct. No.652
PG

WPA 724 of 2020
Asish Saha.
Vs
The State of West Bengal & Ors.
With
WPA 1084 of 2020
Pintu Basfore
Vs
The State of West Bengal & Ors.
With
WPA 720 of 2020
Bhupen Barman
Vs
The State of West Bengal & Ors.
With
WPA 722 of 2020
Dinesh Basfore
Vs
The State of West Bengal & Ors.
With
WPA 727 of 2020
Rajdip Roy
Vs
The State of West Bengal & Ors.

Mr. Rajarshi Basu
Mr. Niladri Saha for the petitioners

Mr. D.N. Ray, Ld. GP
Mr. Koushik Roy
Mr. Sourav Halder
Mr. Rohit Banerjee.....for the State

In Re: WPA 724 of 2020
WPA 1084 of 2020
WPA 720 of 2020
WPA 727 of 2020

1. The writ petitioners are employed with the respondent-Raiganj Municipality, with effect from 01.03.2006, for a fixed pay of Rs. 1700/- per month. Their appointments were made pursuant to the order of the Chairman, Raiganj Municipality, passed as per resolution of the

Board of Councillors of the Raiganj Municipality.

The petitioners have joined with effect from the said date i.e. on 01.03.2006.

2. The petitioners' further case is that since thereafter they have been continuously and uninterruptedly engaged with the respondent-Municipality, discharging perennial nature of duty therein.
3. In such circumstances, the petitioners sought for regularisation of their service in the Municipality, in the posts they have been engaged back in the year 2006.
4. Mr. Basu, learned advocate appearing for the petitioners have relied on a judgment of the Hon'ble coordinate Bench of this Court dated 14.07.2025, in **WPA 719 of 2020 (Goutam Kumar Jha vs. The State of West Bengal & Ors.)** along with similar other writ petitions. He submits that the said judgment was with regard to similar writ petitions, filed by the similarly placed other employees of the said Municipality, whose date of appointment was same as the present petitioners i.e. 01.03.2006.
5. He submits on the basis of the judgment of the Hon'ble coordinate Bench dated 14.07.2025 that, the Court has granted the petitioners' prayer therein, vide the same, citing the reason that their appointment, even if be considered as

irregular, should be regularised in view of the long standing continuous engagement of the petitioners with the respondent-Municipality.

6. Mr. Basu, learned advocate for the petitioners have sought for a similar order for the present petitioners on the ground of parity. It is informed further that in a contempt proceeding by the petitioners with respect to alleged willful disobedience the judgment as above by the respondent, the Court has directed for compliance of the order 14.07.2025, within a stipulated period.
7. Mr. Ray, learned Government Pleader has appeared for the State-respondent. None has appeared for the respondent-Municipality.
8. Record reveals that on the previous date, the respondent-Municipality was directed to submit a report in Court as regards the status of proposal of the respondent- Raiganj Municipality, for regularisation of the present writ petitioners. No such report is submitted today in Court.
9. Mr. Ray, learned Government Pleader has submitted that the law is well settled by the Court, particularly in view of the judgment of Supreme Court in the case of **Jaggo vs. Union of India & Ors. , 2024 SCC OnLine SC 3826.** He says that the plea for regularisation of service

of the petitioners can only be accepted if the petitioners have been initially appointed as against sanctioned posts and not otherwise.

10.He however, very fairly submits that these petitioners cannot be differentiated from whatever measures are taken up by the respondent-Municipality, with regard to the petitioners in WPA 719 of 2020 and other related writ petitions.

In Re: WPA 722 of 2020

11. This matter factually differs from the cases of the petitioners in the other writ petitions in this bunch, insofar as the petitioner was appointed with effect from 30.03.2009 on compassionate ground in died-in-harness category.

12.Mr. Basu has submitted that admittedly, the petitioner has not been employed through the mechanism of Municipal Service Commission, though before the date of his appointment, the Service Commission has already come into operation.

13.In this regard, Mr. Basu learned advocate for the petitioner has relied on section 54 of the West Bengal Municipal Commission Act, 1993, to submit that the said provision empowers the authority to appoint in view exigency and necessity and the said statutory provision has not made it imperative for appointment only

through the Service Commission. It is submitted that since the date of his appointment, the present petitioner has been discharging duties continuously and uninterruptedly with the Municipal authorities, for 17 years now.

14.Mr. Basu has further relied on the judgment of the Supreme Court in ***Jaggo's case (supra)***, to submit that since by no means, the appointment of the present petitioner can be termed as 'illegal' and it is at the worse merely an 'irregular appointment', therefore in view of the perennial nature of his engagement, his employment with the respondent-Municipality may be directed to be regularized, in the similar manner, like the petitioners in the other writ petitions.

15.It appears that the writ petitioners have been appointed long back in the year 2006 / 2009 and since then, have been discharging duties with the respondent-Municipality, uninterruptedly and continuously. Some of the co-workers of the writ petitioners, who had moved their respective writ petitions before this Court, has been directed by the Court to be regularised in service vide the judgment dated 14.07.2025, as stated above. The Court in an elaborate judgment found that the petitioners have been appointed and rendering service over decades against vacant and necessary posts,

though without formal regularisations. The Court further found that the criteria to weed out the illegal appointees, as prescribed by the Supreme Court in **Uma Devi (3)'s case [(State of Karnataka vs. Uma Devi (3), (2006) 4 SCC 1]** does not apply in case of the petitioners before it, but it is only juxtaposed.

16.The Court also took into consideration the judgment of the Hon'ble Division Bench of this Court in the case of **Prasanta Kumar Das & Ors. vs. State of West Bengal & Ors.) (AST 242 of 2014 dated 29.01.2018)**, in which directions have been made even for creation of supernumerary posts for accommodating the long standing unapproved appointees.

17.The Court in the said judgment dated 14.07.2025 has further considered that the Constitutional goal of fairness in public employment as embodied in Article 14 of the Constitution and held that such trait cannot be arbitrarily casted away without considering the *bona fide* contributions of the long standing unapproved temporary workmen.

18.Therefore, for the ground that the petitioners' appointment were not illegal but only suffers from procedural irregularity, the Court directed in the same for regularization, with immediate effect.

19. In the instant case, the present petitioners stand on similar footing. The petitioners have been appointed pursuant to the resolution of the Board of Councillors of Raiganj Municipality and vide appointment letters issued by the Raiganj Municipality. They have been engaged since the dates mentioned above for a fixed monthly pay of Rs. 1700/-, for years together and discharging perennial and substantive nature of duties.

20. To these facts, there is no objection or dispute in the instant writ petitions by any of the respondent authorities.

21. Considering as above, this Court is of the opinion that these petitioners cannot be treated differently than those writ petitioners, whose cases have been disposed of by this Court vide judgment dated 14.07.2025. The present petitioners are entitled for the benefit of parity with the said judgment of the Court.

22. The principle of parity, in the facts of the present case, is not merely a matter of extending a discretionary benefit to similarly situated persons. It is founded upon the more fundamental constitutional doctrine that equals cannot be treated unequally without a rational basis for such differentiation. Once this Court, upon consideration of the nature and manner of engagement of the similarly placed employees of

the very same Municipality, has found that their long-standing service against necessary and vacant posts, though initially lacking formal regularisation, warrants regularisation, the respondent-authorities cannot, in the absence of any distinguishing circumstance, adopt a contrary course in respect of employees standing on an identical factual and legal footing. The doctrine of equality under Article 14 is not exhausted by formal equality; it requires consistency in the treatment of similarly situated persons and forbids arbitrary selection of some for a particular benefit while withholding the same from others without an intelligible basis. The petitioners' claim, therefore, derives additional strength from the requirement of administrative consistency and non-arbitrariness in State action.

23. Therefore, the present writ petitions are disposed of directing the respondent-Raiganj Municipality as well as the Director, Directorate of Local Bodies, West Bengal and the Secretary, Municipal Affairs Department, Government of West Bengal, (as the case may be), to immediately take up proceeding for regularisation of appointment of the petitioners.

24. Let it be directed that the process for regularisation of appointment of the petitioners

should be concluded by the concerned respondents as above, within a maximum period of 16 weeks from the date of communication of copy of this order after complying with all necessary formalities.

25. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Rai Chattopadhyay, J.)