

S/L 12
09.09.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 22105 of 2026

Prosenjit Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.

Mr. Dibyendu Chatterjee

Mr. Rahul Deb Goenka

Ms. Satabdi Das

Mr. Mainak Singha Bama

...for the Petitioners.

Ms. Koyeli Bhattacharya

Ms. Snigdha Das

...for the State.

Mr. N.C. Bihani, Sr. Adv.

Mr. Soumyajit Ghosh

...for the Respondent Nos.5-7.

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioners were engaged as guest faculty in the Department of Sanskrit and Bengali in the Sanskrit College and University pursuant to a walk-in-interview which was held on September 27, 2023. They were engaged from time to time and their engagement remains valid until further order.

3. The University published a notice on June 12, 2026 inviting applications for engagement of guest teachers in respect of the same subjects which the petitioners are teaching.

4. The petitioners allege that they were compelled to participate in the recruitment process which was an absolute farce. Without publishing any merit list,

some persons have been selected and allotted classes. The petitioners are aggrieved by the same.

5. It has been submitted that the act of the University is contrary to the dictum passed by the Hon'ble Supreme Court which clearly lays down that one set of ad hoc employees cannot be replaced by another set.

6. It has been contended that the authority, instead of proceeding for permanent recruitment, went on to engage another set of contractual employees which is impermissible in law.

7. It has been submitted that after July 2026, no classes have been allotted to the petitioners.

8. Prayer has been made to direct the University to set aside the fresh recruitment process which was initiated vide notice dated June 12, 2026 and further directing the University not to disturb the service of the petitioners.

9. Learned senior counsel representing the University opposes the submission of the petitioners. It has been submitted that the petitioners participated in the fresh recruitment process which was initiated vide notice dated June 12, 2026. After they have failed to qualify on merit, the instant writ petition has been filed.

10. The point of maintainability of the writ petition has been raised by the respondents.

11. It has been submitted that the Court ought not to enter into the expert decision of the authority to recruit fresh set of teachers.

12. It has been submitted that the petitioners are not being replaced. It is only after expiry their tenure fresh recruitment process was initiated. Prayer has been made to dismiss the writ petition.

13. The petitioners have not been allotted classes since July 2026. The writ petition had been filed on August 17, 2026. The persons who have been allotted classes have not been impleaded as party respondents in the instant writ petition.

14. Whether the petitioners can be provided the relief as claimed for has to be decided upon granting opportunity to the respondents to file their respective stand by way of affidavit.

15. Let affidavit-in-opposition be prepared and circulated by the respondents within a period of four weeks; reply thereto, if any, be filed within two weeks thereafter.

16. Liberty to mention the matter for hearing immediately after completion of the aforesaid time period.

17. The issue of maintainability of the writ petition is left open to be decided at the time of final hearing of the same.

18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

19. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)