

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

64 26.9.2025
Sc Ct. no.2

Case No. : **WPA 22644 OF 2025**

In the matter of : Dr. Banani Bhattacharyya & Ors.
.... Petitioners
VS.
The State of West Bengal & Ors.
....Respondents

For the Petitioners:
Mr. Raghunath Chakraborty
Mr. M. Ahmed.
....Advocates

For the State / Respondents:
Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. K. M. Hossain.
.....Advocates

For the Respondent No.2/Indian Museum:
Mr. Arijit Bakshi
.....Advocate

For the Respondent No.3/PSC:
Ms. Shraboni Sarkar (VC)
Ms. Umme Habiba Khatun.
.....Advocates

For the Respondent No.7/Private Respondent:
Ms. Shetparna Ray (VC)
.....Advocate

Affidavit-of-service, filed in Court today, is taken on
record.

Mr. Raghunath Chakraborty, learned Advocate
appears for the petitioners.

Mr. Biswabrata Basu Mallick, learned Advocate
appears for the respondent/State.

Mr. Arijit Bakshi, learned Advocate appears for the
respondent no.2/Indian Museum.

Ms. Shraboni Sarkar, learned Advocate appears virtually with Ms. Umme Habiba Khatun, learned Advocate appears physically for the respondent no.3/PSC, West Bengal.

Ms. Shetparna Ray, learned Advocate appears virtually for the respondent no.7/private respondent.

The petitioners were aspirants for the post of ***Keeper*** at ***State Archeological Museum***. The selection process was conducted by the PSC, West Bengal.

Mr. Raghunath Chakraborty, learned Advocate for the petitioners referring to ***Annexure-P4, at page 167*** to the writ petition submits that the private respondent, who has been selected for the post, allegedly a lesser qualified candidate than the petitioners. He submits that the terms and conditions of appointment give preference to the higher qualified candidates.

In view of the above, the petitioners pray for an interim relief, not to give any effect to the said selection of the private respondent for the time being.

In support of pressing for an interim order learned Advocate for the petitioners has relied upon a decision of the Hon'ble Supreme Court rendered ***In the matter of : State of Punjab and Others – versus - Manjit Singh and Others*** reported at ***(2003) 11 Supreme Court Cases 559***.

Ms. Shetparna Ray, learned Advocate appearing virtually for the private respondent has opposed the prayer for the interim order on the contention that, her

client has been selected following the due process, terms and conditions of the selection process.

After considering the rival contentions of the parties and on perusal of the materials on record, this Court is of the view that, if an ad interim relief is granted at this stage in aid of the final reliefs claimed in the writ petition, virtually final reliefs will be granted in favour of the petitioners, which is not permitted in law.

In the matter of : Manjit Singh & Ors. (supra), the Hon'ble Supreme Court has laid down the law and the ratio was decided after the final hearing of the issue and not at the ad interim stage.

Accordingly, the prayer for interim order stands ***rejected.***

Affidavits are called for.

At this juncture, learned Advocate Ms. Shraboni Sarkar appearing virtually for the respondent no.3 submits that, the jurisdictional State administrative Tribunal is the appropriate authority where the petitioners have already filed an application and the same is pending.

Yesterday's order dated ***September 25, 2025*** speaks on the issue in detail and, accordingly, this Court does not reiterate the view of this Court once again.

It is made clear that, in the event at the time of final hearing of this writ petition, if the jurisdictional State tribunal resumes its functioning and it is operative

then the said ***point of alternative remedy*** shall be considered by the Court, at that juncture.

Subject to the said ***point of maintainability***, the respondents shall file affidavits-in-opposition on or before ***November 20, 2025***.

Affidavit-in-reply, if any thereto, shall be filed by ***November 27, 2025***.

The writ petition shall appear under the heading ***“Hearing (Service)”*** in the ***Combined Monthly List of December, 2025***.

The selection of the private respondent and the fate of it shall abide by the final result of this writ petition or the pending proceeding before the jurisdictional State Tribunal, as the case may be, then.

(Aniruddha Roy, J.)