

27.04.2026
Sl. No.761(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 21871 of 2019

Bappaditya Ghosh & Ors.

Versus

The State of West Bengal & Ors.

Mr. Subir Sanyal, ld. Sr. Adv.
Mr. Anindya Bose,
Mr. Mridul Biswas,
Ms. Cardina Roy,
Ms. Raina Das

...for the Petitioners.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya

...for the DPSC,
North 24-Parganas.

1. Affidavit-in-opposition filed by the respondent No.6, Chairman, District Primary School Council (*in short DPSC*), North 24-Parganas is taken on record. Copy served.
2. Affidavit-in-reply filed on behalf of the petitioner Nos.3, 5, 13, 25, 27, 29, 30, 31, 47, 62, 63, 73, 75 and 78 is also taken on record.
3. On the prayer of the learned Advocate for the petitioners, leave is granted to file supplementary affidavit on behalf of the petitioner No.63.
4. Supplementary affidavit filed on behalf of petitioner no.63 is also taken on record. Copy served
5. By the present writ petition, the petitioners seek for approval of the panel for different categories and to

issue letter of appointment to the petitioners within a specified period in respect of recruitment process of 2009 undertaken by the DPSC, North 24-Parganas.

6. Mr. Subir Sanyal, learned Senior Advocate appearing for the petitioners, at the very outset, indicates that some of the petitioners have already been granted appointment. The prayer in the instant writ petition is confined to the petitioner Nos.3, 5, 13, 25, 27, 29, 30, 31, 47, 62, 63, 73, 75 and 78.
7. The aforementioned petitioners contend that they all participated in the recruitment process of 2009 and were successful in the written examination. The petitioners were called for interview. However, since the panel was not published, the petitioners have approached this Court seeking appropriate relief.
8. Mr. Sanyal, learned Senior Advocate appearing for the above petitioners submit that this Court in *Kakali Mondal & Ors. versus The State of West Bengal & Ors.* (*In Re: WPA 20966 of 2022*) passed orders directing for issuance of appointment letters to the candidates who were called for interview in the recruitment process of 2009 and have filed writ petitions until 24th April, 2024. The petitioners qualify the twin conditions. He seeks for similar benefit upon issuance of appointment letters in favour of the petitioners. In his usual fairness, Mr Sanyal, indicates that in a subsequent order passed in *Joyanti Saren versus The State of West Bengal & Ors.* (*In Re: WPA 8094 of 2022*) the Co-ordinate Bench of this Hon'ble Court has observed that

no further writ petitions in recruitment process of 2009 conducted by the DPSCs, Malda, North 24-Parganas and Howrah shall be entertained beyond 31st July, 2024 even if the writ petitions are filed within the cut-off dates. Since other candidates who satisfied the twin conditions of the order dated 25th April, 2024 has been given appointment, the above observation would amount to discrimination to the petitioners who are also similarly circumstanced.

9. Mr. Bhaskar Prasad Vaisya, learned Advocate appearing for the DPSC, North 24-Parganas concedes that the petitioners are similarly circumstanced and they satisfy the twin conditions. He also submits that there are existing vacancies.
10. By order dated 25th April, 2024, observing irregularities and improprieties in the recruitment process of 2009, the Co-ordinate Bench in *WPA 20966 of 2024 (Kakali Mandal & Ors versus The State of West Bengal & Ors)* alongwith batch of other writ petitions, issued the following direction:

“13. In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct the all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 24th April, 2024, shall be entitled to appointments against existing or future vacancies.”

11. It is not in dispute several candidates who satisfied the twin conditions approached the Court and they were extended the benefit of order dated 25th April 2024. The

petitioner Nos.3, 5, 13, 25, 27, 29, 30, 31, 47, 62, 63, 73, 75 and 78 are similarly circumstanced as of the candidates who have already been extended the benefit in terms of order of the Co-ordinate Bench of this Court. Indisputably, these petitioners were called for interview and the instant writ petition was filed on 25th November, 2019. Thus, petitioner Nos.3, 5, 13, 25, 27, 29, 30, 31, 47, 62, 63, 73, 75 and 78 fulfils the twin conditions of order dated 25th April, 2024 as above.

12. Accordingly, petitioner Nos.3, 5, 13, 25, 27, 29, 30, 31, 47, 62, 63, 73, 75 and 78 are entitled to the benefit of order dated 25th April, 2024 passed in *WPA 20966 of 2024 (Kakali Mandal & Ors versus The State of West Bengal & Ors)* alongwith batch of other writ petitions. The petitioners shall be entitled to appointment in the same terms and conditions as mentioned in the aforesaid order.
13. The entitlement of the petitioners to appointment is subject to fulfillment of all other criteria and subject to scrutiny of their documents by the DPSC, North 24-Parganas.
14. In paragraph no. 5 of the decision in *Joyanti Saren (supra)*, it has been observed by the Co-ordinate Bench of this Court that no writ petition shall be entertained beyond 31st July, 2024 even if the writ petitions are filed within the cut-off dates mentioned in the order. Be that as it may, it is relevant to note that the petitioner in the said writ petition was made entitled to appointment since she satisfied the twin conditions in

the earlier order of the Co-ordinate Bench of this Court on 25th April, 2024 in *Kakali Mandal (supra)*. The petitioners herein also satisfy the twin conditions of the said order. With utmost humility this Court is of the opinion that there cannot be any plausible ground for denying the similar benefit to the petitioners herein.

15. With the aforesaid observations, the writ petition being **WPA 21871 of 2019** stands disposed of.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)