

N.22Sl
151/CL
31.12.25
Sl-01
Ct.07
(A.B./S.R.)

WPA 29859 of 2025

Abir Chakravorty
v.
Union of India & Ors.

Mr. Sabyasachi Chatterjee
Mr. Badrul Karim
Mr. Rishabh Ahmed Khan
Ms. Monolisha Sinha ... for the petitioner.

Ms. Reshmi Bothra ... for the UOI.

Mr. Arka Kumar Nag
Mr. Souvik Naiya ... for the IIT, Kharagpur.

1. Learned advocate for the writ petitioner, learned advocate for the respondent no.1, Union of India, and the learned advocate for the respondent no.2, the Indian Institute of Technology are present.
2. Heard the learned advocates for the parties.
3. This writ application is directed against the order passed by the respondent no.2 on 24th October, 2025, wherein it was specified that the service of the writ petitioner will come to an end on 31st December, 2025. The writ petitioner being aggrieved by the order dated 24th October, 2025 has come out with this application.
4. Learned advocate for the writ petitioner submits that the order dated 21st October, 2025 lacks reasons and is against the principles of natural justice.

5. It is an admitted position that the writ petitioner was appointed as a Probationer on contract by executing a contract on 10th August, 2022 for a period of three years under certain terms and conditions. On completion of three years, his service was extended for another period of three months and, thereafter, till 31st December, 2025.
6. Learned advocate for the writ petitioner draws attention of this Court to the order of extension, his application for regularization and an earlier order dated 26th September, 2025, by which the Director was pleased to appoint him as Warden of the hostel and it was to continue till 30th September, 2027. Learned advocate submits that by virtue of his service the application was made for consideration of his regularization and the respondent no.2/authority has passed an order arbitrarily and against the principles of natural justice. Learned advocate relies upon a decision in the case of State Bank of India & Ors. v. Palak Modi & Anr., reported in (2013) 3 SCC 607. Learned advocate submits that on the ground of exigency, the writ petitioner be protected by an interim order of stay.
7. Learned advocate for the respondent no.2 submits that the appointment of the writ petitioner is purely contractual. Learned advocate relies upon the contract between the respondent no.2 and the writ

petitioner and submits that the writ petitioner has executed this contract and he cannot dispute the same. Learned advocate further refers to the report of the Assessment Committee and the order of the Constitution of the Committee. Learned advocate also relies upon the decision of Union Public Service Commission v. M. Sathiya Priya & Ors., reported in (2018) 15 SCC 796, the case of Basavaiah (Dr) v. Dr. H.L. Ramesh & Ors., reported in (2010) 8 SCC372, the case of State of Hariyana v. Suman Dutta, reported in (2000) 10 SCC 311 and Dalpat Abasaheb Solunke & Ors. v. Dr. B.S. Mahajan & Ors., reported in (1990) 1 SCC 305.

8. This Court has given consideration to the facts of the case and the decisions relied upon.
9. Learned advocate for the writ petitioner submits that it is not a dispute that a Committee was constituted and a decision was taken and the performance report was considered by the said Committee, but the writ petitioner is totally in dark with regard to the report on the basis of which the Assessment Committee came to a finding of not recommending the name of the writ petitioner for regularization and/or extension.
10. Although, it is a well-settled principles of law that when a Committee constituted to assess the merit of an individual has taken a decision, the Court

while exercising power of judicial review cannot sit in an appeal over the finding of such committee but the facts of the case are slightly different to the extent that the writ petitioner was earlier given extension of his contractual service and his application was rejected without giving him an opportunity of being heard and without pointing out the defect of his service and the report being not communicated to him.

11. Thus, the report is required to be communicated to the writ petitioner for the purpose of considering and dealing with the same and by filing a supplementary affidavit.
12. Thus, in the facts and circumstances although it is a decision of the Committee constituted to assess the performance of the writ petitioner, but considering that certain reports were not communicated to the writ petitioner and he was not given opportunity of being heard, the writ petitioner has made an arguable case. Thus, this matter is required to be decided on affidavits.
13. Let short affidavit-in-opposition to the writ petition be filed by the respondent within one week after the Christmas vacation; reply thereto, if any, be filed by the writ petitioner within three days. The supplementary affidavit be filed including the documents relied upon by the respondent no.2 and

the matter be placed before the Regular Bench after a period of fifteen days from the date of reopening of this Court after Christmas Vacation.

14. In the interest of justice and considering the exigency, there shall be an ad interim order of stay of the order dated 24th October, 2025 for a period of three weeks from date or until further orders, whichever is earlier.
15. Learned advocates for the respective parties are requested to communicate this order to the authorities for necessary information.

(Biswaroop Chowdhury, J.)