

01.12.2025  
Item Nos.11-15  
Court No.11  
Avijit Mitra

**FMA 498 of 2021**  
**with**  
**IA No.CAN 1 of 2018 (Old No.CAN 6118 of 2018)**  
**Chinmoy Dolai**  
**- versus -**  
**State of West Bengal & ors.**  
**with**  
**MAT 1112 of 2025**  
**Soma Jana**  
**- versus -**  
**State of West Bengal & ors.**  
**with**  
**MAT 1598 of 2018**  
**with**  
**IA No.CAN 1 of 2018 (Old No.CAN 10241 of 2018)**  
**Mithu Rani Das**  
**- versus -**  
**State of West Bengal & ors.**  
**with**  
**MAT 1599 of 2018**  
**with**  
**IA No.CAN 1 of 2018 (Old No.CAN 10242 of 2018)**  
**Nayan Pramanik**  
**- versus -**  
**State of West Bengal & ors.**  
**with**  
**MAT 821 of 2020**  
**The Principal Manbhum Mahavidyalaya**  
**- versus -**  
**Sarada Mondal Das & ors.**

Mr. Soumen Kr. Dutta,  
Mr. Sabyasachi Bhattacharjee  
Mr. Aditya Mondal,  
Ms. Rupsa Sreemani  
...for the appellant  
(in FMA 498 of 2021, MAT 1598 of  
2018 & MAT 1599 of 2018)

Ms. Susmita Saha Dutta,  
Mr. Niladri Saha,  
Mr. Subhajit Seth,  
Ms. Madhurima Basu  
...for the appellant  
(in MAT 1112 of 2025)

Mr. Piush Chaturvedi, Sr. Adv.,  
 Mr. Amit Kumar Ghosh  
 ....for the appellant  
 (in MAT 821 of 2020)

Mr. Tapan Kumar Mukherjee, Sr. Adv.,  
 Mr. Somnath Naskar,  
 Mr. K.M. Hossain  
 ....for the State  
 (in FMA 498 of 2021)

Mr. Tapan Kumar Mukherjee, Sr. Adv.,  
 Mr. Gourav Das,  
 Mr. Somnath Naskar,  
 ....for the State  
 (in FMA 1598 of 2018)

Mr. Swapan Kumar Dutta, Ld. G.P.,  
 Mr. Pradyot Kumar Das  
 ....for the State  
 (in MAT 821 of 2020)

Mr. Susanta Pal,  
 Mr. Pradip Patra  
 ...for the respondent nos.3&4  
 (in MAT 1598 of 2018)

Mr. Amitava Chaudhuri,  
 Mr. N.Roy  
 ....for the Cooch Behar College

Fundamentally, in all five of these appeals, what falls for consideration is the validity of the notification dated 25th August, 2017 issued by the Department of Higher Education, Science and Technology and Biotechnology, C.S. Branch, Government of West Bengal, as well as the selection process initiated in certain colleges pursuant to the said notification for filling up the posts of Group-D.

The learned advocates appearing for the appellants in the first four appeals submit that, by incorporating the words 'except Group D posts' in the notification dated 25th August, 2017, it was specified that the criterion, namely knowledge in computer application, which was to be treated as a desirable qualification and in respect of which preference would be given to candidates possessing such

knowledge for other non-teaching posts, would not apply to the selection for Group D posts, yet clause 6(iii) of the notification nevertheless provides for awarding an additional 5 marks to candidates who possess knowledge of computers.

They also submit that clause 6(ii) contains another provision for awarding an additional 5 marks to candidates who have been engaged on a contractual or temporary basis in the 'concerned' college for more than two years.

According to those appellants, the use of the word 'concerned' suggests that only those candidates who were engaged in the college conducting the selection process and had worked there for more than two years would be entitled to receive the additional 5 marks.

They submit that because of these two provisions in the notification, the appellants who were aspiring for Group D posts have been deprived of the opportunity to offer their candidature for the post.

Mr. Mukherjee, learned senior advocate appearing for the State, however, seeks to interpret these two provisions in a different manner. He further submits that selection processes were initiated in other colleges pursuant to that notification, and that certain appointments to Group D posts have also been made in the meantime.

In such circumstances, we call for a report from the Principal Secretary, Higher Education Department, Government of West Bengal, addressing the issues raised by

the appellants in the first four appeals as indicated in the preceding paragraph.

Respondent No. 4 is also directed to submit a separate report in the form of an affidavit, disclosing the total number of candidates appointed pursuant to the notification dated 25th August, 2017, along with the names of the colleges across the State of West Bengal where such appointments were made

Let such reports be filed by 9<sup>th</sup> January, 2026.

List the matters for further consideration in the daily supplementary list of this Court on 16th January 2026.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**