

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WP.CT/16/2026

Union of India and others

Vs.

Shri Pratap Chakraborty

Mr. Rakesh Kumar ... for the petitioners

Mr. Gopala Binnu Kumar ... for the respondent

With

WP.CT/8/2025

Shri Pratap Chakraborty

Vs.

Union of India and others

Mr. Gopala Binnu Kumar ... for the petitioner

Mr. Rakesh Kumar ... for the respondents

April 27, 2026
[SR]
Item Nos.7&8

1. Learned counsel for the petitioner in WP.CT/8/2025 contends that in terms of the impugned judgment of the Tribunal, despite having held all issues in favour of the petitioner, who applied for appointment as Post Graduate Teacher (PGT) in Bengali Language, the learned Tribunal ultimately directed the respondent-authorities merely “to consider” the case of the applicant for appointment against the Post Graduate Teacher (Bengali) after granting age relaxation in terms of the Circulars dated September 19, 2011 and October 20, 2022.

2. It is submitted that instead of leaving it further on the respondents to undertake the exercise of consideration, a clear

direction ought to have been passed for the respondent-authorities to appoint the present writ petitioner in the available vacant post, where in the meantime, one Sanju Chakraborty has been appointed.

3. The learned Advocate for the petitioner further submits that it was clarified by an earlier order of the Tribunal that any appointment effected in the meantime shall abide by the outcome of the Original Application. As such, since all issues were decided in favour of the petitioner, there is no further impediment for the Administration to direct that that said Sanju Chakraborty shall be retrenched and to accommodate the petitioner in the said post.

4. We are further apprised from the records that at the time of giving appointment to Sanju Chakraborty, it was categorically mentioned in the appointment offer, which was clearly accepted by Sanju Chakraborty in writing, that the appointment of Sanju Chakraborty would abide by the outcome of the Tribunal's order.

5. Despite notice, the said incumbent Sanju Chakraborty has not appeared in the present proceeding or before the Tribunal.

6. Hence, the fate of the said Sanju Chakraborty, if the petitioner is appointed in his place, ought not to be a germane consideration otherwise. However, to explore other options to save the said Sanju Chakraborty from being retrenched, if possible, this Court had requested learned counsel for the respondent/Administration to inform the Court as to whether

there is any other existing vacancy at present for the post of Post Graduate Teacher (Bengali).

7. Learned counsel for the respondents submits that the appointments are done not specifically for particular subjects but as a cumulative process for all PGTs. The vacancies in respect of particular subjects, including Bengali, arise on occasion basis.

8. Since such modality is not clear to us, we direct the respondent /Administration in WPCT/8/2025 to furnish a clear report in the form of an affidavit as to the exact modality of appointment in the post of Post Graduate Teacher (Bengali) and as to the manner in which the vacancies for the said post arise.

9. We further take note of the fact that learned counsel for the petitioner has handed over an information, apparently obtained under Right to Information Act, to the effect that there should still be at least one vacancy currently in the post of Post Graduate Teacher (Bengali) even after giving appointment to the said Sanju Chakraborty in view of the retirement of three others out of the total eleven in the meantime. A copy of such information is also handed over to learned counsel for the respondent/Administration.

10. The petitioner in WPCT/8/2025 is directed to file such information by way of an affidavit within a week from date, upon giving an advance copy of the same to the learned Advocate for the respondent/Administration.

11. In addition to the report as directed above, the respondent/Administration shall also file a response to the said

affidavit filed by the petitioner, clearly indicating as to what is the total number of current vacancies as of today in the post of PGT (Bengali). Such report in the form of affidavit as well as response shall be filed within a week after filing of the affidavit by the petitioner.

12. Such pleadings shall be submitted before the appropriate Bench in the Circuit when the matter is next taken up for hearing.

13. We direct the matter to be listed in the second week of next Circuit before the appropriate Division Bench, subject to being so permitted by the said Bench.

(Sabyasachi Bhattacharyya, J.)

(Smita Das De, J.)