



IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE DEBANGSU BASAK

AND

THE HON'BLE JUSTICE AJAY KUMAR GUPTA

WP.CT/45/2025

THE LIEUTENANT GOVERNOR
AND OTHERS

... PETITIONERS

VS.

DR. DEV SINGH AND OTHERS

... RESPONDENTS

For the petitioners : Mr. Rakesh Kumar

For the Respondent nos..1,3,4&5 : Mr. C. M Jha
[through virtual mode]

For the Respondent nos.2 &6 : Mr. P.C.Das
[through virtual mode]

Heard on : February 27, 2026

Delivered on : February 27, 2026

DEBANGSU BASAK, J.

1. Writ petition is directed against an order dated September 01, 2025 passed in OA 351/1010/2024 by the Central Administrative Tribunal, Kolkata.

2. By the impugned order, learned Tribunal, directed as follows :



“11. In its order dated 04.09.1998 in O.A No. 59/AN/1996, this Tribunal directed the respondents to send the case of regularization of the applicants to the UPS for its recommendation. These orders have attained finality.

Having determined above that the facts and circumstances in O.A No.59/AN/2016 are substantively similar to those in the current O.A, we are bound by the above order of this Bench in O.A No. 59/AN/2016.

12. It is therefore directed that the respondents shall within four weeks from the date of communication of this order, shall forward the complete bio-data of the applicants along with their ACRs/APARs reflecting their performance as part time, ad hoc lecturers to the UPSC for their consideration as to whether on the basis of their qualifications, experience and performance so far, they are fit to be appointed as lecturers on regular basis. The UPSC shall within eight weeks from the date of receipt of the records in respect of each applicant, shall communicate to the A & N Administration, their view as to whether each of the applicants is fit or not for such regular appointment. If any of such applicants is considered as fit for such appointment by the UPSC, the A & N Administration shall appoint such applicant(s) as lecturer on regular basis.”

3. The learned advocate appearing for the petitioner submits that, the respondents essentially worked as contractual Assistant Professors at a College. Subsequently, the posts were sanctioned. Authorities undertook a selection process to fill up the sanctioned posts. Two of the private respondents participated in such selection



process and failed. The other private respondents before us, did not participate in the selection process.

4. Learned Tribunal appearing for the petitioners submits that, the learned Tribunal, copy pasted the earlier direction, in respect of another college without returning a finding that, the private respondents and the original applicants in the other original application, were similarly situated and circumstanced. In fact, he submits that, there is a world of difference between the original applicants in the earlier original applicants and the present private respondents. He submits that, in the other original application, the original applicants were appointed on part time/adhoc basis while, here, the private respondents were appointed on contractual basis. The private respondents knew the parameters of their employment at the time when, they were engaged. They were also aware of the fact that, they cannot granted any regularization consequent upon the contractual appointment.

5. Learned advocate appearing for the petitioner submits that, the selection process was completed and 13 advertized posts were filled up. Consequently, the question of considering any of the private respondents in respect of any vacancies with regard to advertized selection process does not arise. According to him, the impugned order as it stands today is unworkable given the fact that, selection



process was advertized and that, all posts of the advertized selection process stands filled up.

6. The private respondents are represented by two sets of learned advocates.

7. Learned advocate appearing for the respondent nos. 2 and 6 submits that, the relief granted by the Tribunal, is innocuous. He draws the attention of the Court to paragraph 11 of the impugned order of the Tribunal. He submits that regularization can be granted as recognized by a catena of decision of the Hon'ble Supreme Court.

8. Similar stand is taken by the learned advocate appearing for the other respondents. Additionally, it is submitted that, since, the private respondents worked on contractual basis for a period in excess of 10 years, the respondents are entitled to regularization. Moreover, the authorities cannot undertake a selection process without considering the fate of the contractual employees.

9. Regularization is not a matter of right to which every contractual employee can claim successfully. Grant of relief of regularization will depend on the facts and circumstances of each case.

10. In the facts and circumstances of this case, the respondents were appointed on contractual basis to the posts of Assistant



Professors. It was a full time appointment. The original applicants in the other original application, which was allowed by the learned Tribunal, were on part time/adhoc appointment basis. This is a crucial difference which the learned Tribunal did not take into consideration.

11. The college concerned, declared vacancy in respect of the sanctioned posts and went in for a selection process. A contractual employee cannot be heard to be say that, the authorities cannot undertake a selection process in respect of the sanctioned posts. At best, a contractual employee can approach the authorities for relaxation of the age prescribed for participation in such selection process.

12. In the facts of the present case, apart from two of the respondents before us, none participated in the selection process. The two persons who participated in selection process did not succeed.

13. In the event, the request as made by the respondents before the Tribunal and as directed by the impugned order is sustained, then, the two persons who participated and did not succeed in the selection process will also be entitled to grant of appointment. The same obviously is impermissible.



14. Be that as it may, the selection process stands completed. All 13 advertized posts stands filled up.

15. Therefore, as on date, the question of the authorities complying with the directions in paragraphs 11 and 12 of the impugned order does not arise. The directions contained in paragraphs 11 and 12 of the impugned order is unworkable. A party cannot be asked to comply with a direction, which is unworkable.

16. In such circumstances, impugned order dated September 01, 2025 is set aside.

17. WP.CT 45 of 2025 is allowed, without any order as to costs.

(DEBANGSU BASAK, J.)

18. I agree.

(AJAY KUMAR GUPTA, J.)