

ML-66

08.08.2023  
Court No.5  
(AD)

**WP.ST 373 of 2009**

**Md. Azimur Rahman & Ors.  
Vs.  
The State of West Bengal & Ors.**

*Mr. Prosenjit Mukherjee  
... for the petitioners*

The writ petition is directed against an order dated December 4, 2008 passed in OA-3665 of 2008 by the West Bengal Administrative Tribunal.

By the impugned order, prayer for regularization was rejected.

Learned Advocate appearing for the writ petitioners submits that, persons similarly situated as that of the writ petitioners were absorbed. He refers to a memorandum dated December 22, 2010 to contend that, certain financial benefits are available to the writ petitioners.

The writ petitioners did not approach the Tribunal with the prayer for financial benefits in terms of the memo dated December 22, 2010. Therefore, we are not taking that into consideration.

So far as the contention of regularization is concerned before the Tribunal, the writ petitioners accepted that, there was little scope for regularization.

The prayer for regularization was rejected by the authorities by a reasoned order which was assailed before

the Tribunal.

None of the conditions for regularization apparently stands satisfied in the facts and circumstances of the present case.

Nothing is placed on record to suggest that, the initial appointment of the writ petitioners was through a regular selection process after due advertisement. Nothing is placed on record to suggest that, the writ petitioners were appointed on temporary basis to sanctioned posts.

Petitioners cannot claim negative equality on the basis of other appointments.

In such circumstances, we find no merit in the present writ petition.

**WP.ST 373 of 2009** is dismissed without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

