

34 13.02.2023  
rkd Ct.15

W.P.A. 18814 of 2017

Anamika Sarkar & Ors.

-vs-

The State of West Bengal & Ors.

Ms. Puja mondal

....for the petitioner.

Mr. Pinaki Dhole,  
Mr. Pinaki Bhattacharya

....for the State.

Six petitioners have approached this Court with common prayer for grant of approval of appointment/regularisation in their favour by the concerned State authorities on the strength of appointment letters which are annexed at pages 49 to 54 of this writ petition.

State respondents are represented by learned advocates, who has opposed such prayer on the ground that appointments of the petitioners were *de hors* the recruitment rules therefore no right accrues in favour of the petitioner.

Having heard the learned advocates representing the parties and on perusal of the appointment letters which were issued in favour of the petitioners by the authority of Anaun Jr. High School, it transpires that the petitioners were appointed on temporary basis and not against the sanctioned vacancy.

Furthermore, it appears that appointments

were made in favour of the petitioners on temporary basis without following the relevant recruitment rules prevalent at the material point of time.

In view of the aforesaid facts, it appears that no right accrues in favour of the petitioners for granting approval in connection with their appointments or to regularise their appointments.

In this regard, reliance has been placed on the judgment of the Hon'ble Apex Court delivered in the case of Secretary, State of Karnataka & Ors. – vs- Uma Devi (3) & Ors., reported in 2006 Vol. 4 SCC 1.

Since no enforceable right has been accrued in favour of the petitioner which can be protected by issuance of mandamus, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**