

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 1358 of 2025

ML- 03.11.2025
19 Ct.02
rkd DM

Soumen Halder

-vs-

The State of West Bengal & Ors.

Ms. Debjani Sengupta,
Mr. K. Raihan Ahmed,
Ms. Paulomi Ghosh

....for the petitioner.

Mr. Biswabrata Basu Mallick,
Ms. Parna Roy Chowdhury

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner has made out a case that he was working as Special Attendant in Calcutta National Medical College & Hospital, Plastic Surgery and Orthopedic Department.
3. It is submitted by the learned advocate representing the petitioner that abruptly he was not permitted to function as Special Attendant as a result whereof representations were made to the concerned respondent authority praying for permitting the petitioner to discharge duty. Last representation was made on 23rd December, 2024.
4. Mr. Basu Mallick, learned Additional Government

Pleader opposes this writ petition since petitioner has failed to produce appointment letter and according to the respondents petitioner's appointment was *de hors* the recruitment rules.

5. In consideration of the submissions made on behalf of the parties and keeping in view the failure on the part of the petitioner to produce appointment letter, it appears that no enforceable right accrued in favour of the petitioner warranting issuance of mandamus in order to protect such right which would permit the petitioner to serve as an employee of the hospital.
6. In this regard reliance is placed on the judgment of the Hon'ble Supreme Court, reported in 2006 Vol. 4 SCC 1 (Secretary, State of Karnataka & Ors. -vs- Uma Devi (3) & Ors.)
7. Hence, no relief can be granted to the petitioner.
8. The writ petition stands dismissed.
9. However, there shall be no order as to costs.
10. 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.)