

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 80 of 2025

With

CAN 1 of 2025

Moududi Sk.

vs.

The State of West Bengal & Ors.

For the Appellant

**: Mr. Partha Sarathi Bhattacharyya, Sr. Adv.,
Mr. Md. Kutubuddin**

For the Respondent No. 4

**: Mr. U.A. Dewan
Mr. Asif Dewan**

For the State

**: Mr. Asish Kumar Guha
Mr. Benazir Ahmed**

Heard and Judgment on

: February 6, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the writ petitioner and is directed against an order dated December 3, 2024 passed in W.P.A. 98 of 2023.
2. By the impugned order, learned Single Judge dismissed the writ petition after noting that the writ petition was the third round of litigation where the appellant is seeking a direction upon the

respondent authorities to appoint him as a Licence Inspector under Jangipur Municipality.

3. Learned senior advocate appearing for the appellant submits that, the appellant participated in the selection process undertaken by Jangipur Municipality to the post of Licence Inspector. Jangipur Municipality recommended the name of the appellant for appointment to the appropriate authorities by a writing dated November 8, 2016. Municipal authorities not appointing the appellant, the appellant approached the Court from time to time; last of which was the writ petition in which the impugned order was passed.
4. Learned senior advocate appearing for the appellant draws the attention of the Court to the writing dated June 13, 2011 by which the Director of Local Bodies, Government of West Bengal wrote to the Jangipur Municipality granting permission to fill up 38 sanctioned vacant posts. He draws the attention of the Court to another writing dated November 8, 2016 of Jangipur Municipality and submits that approval for appointment of the appellant to the post of Licence Inspector was sought for by the municipality. He submits that, in such circumstances, the appellant should be granted the appointment as the appellant succeeded in the selection process for the post of

Licence Inspector and his name was recommended by the municipality for grant of approval of appointment.

5. State and the Municipal Authorities are represented.
6. Learned advocate appearing for the municipality submits that although the post of Licence Inspector was sanctioned, nonetheless, in terms of the existing rules regarding appointment, municipality was required to obtain approval for appointment. Municipality undertook the exercise for filling up 35 sanctioned posts. On completion of the selection process, municipality sent the names of 25 candidates for approval of appointment. Out of 25 candidates sent up, authorities sanctioned only the names of 16 candidates.
7. Learned advocate appearing for the State submits that although the post of Licence Inspector was sanctioned, nonetheless, the same was a dying post. Consequently, State thought it prudent not to grant approval for appointment to such post. In support of such contention, he draws the attention of the Court to the letter dated December 2, 2024 written by the Director of Local Bodies in this regard.
8. As noted by the learned Single Judge, this is the third round of litigation by the appellant for appointment to the post of Licence Inspector. Appellant participated in the selection process and was

recommended for approval by the municipality. However, approval of appointment was not granted by the State authorities on the ground noted in the writing dated December 2, 2024.

9. State authorities are of the view that the staff pattern of Jangipur Municipality was computerized in the year 2009. On such computerization and on assessment of the staff pattern and the requirement of the staff at Jangipur Municipality, State authorities deleted the sanction for the post of Licence Inspector. Reference in this regard may be made to page 103 of the stay application.
10. This decision of the State not to grant approval to the appointment of Licence Inspector is based on an exercise to find out the staff pattern required in 2009. The selection process was conducted subsequent thereto by the municipal authorities.
11. Appellant is entitled to be considered fairly at the selection process. Participation in the selection process cannot be equated to a grant of appointment.
12. It is not the case of the appellant that he was treated unfairly in the selection process.
13. So far as the post for which the approval for appointment was sought for in respect of the appointment, the State authorities are of the view that such post is no longer required. Such view is taken in 2009 itself.

14. The impugned order contains reasons for rejection of the writ petition. In addition thereto, we gave our reasons for the writ petitioner not to succeed in the present appeal.

15. In such circumstances, we find no merit in the present appeal.

16. **M.A.T. 80 of 2025** is **dismissed** without any order as to costs.

17. In view of the dismissal of the appeal, the connected application being CAN 1 of 2025 is disposed of.

(Debangsu Basak, J.)

18. I agree.

(Md. Shabbar Rashidi, J.)

S.D.