

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 9779 OF 2025

**Mantosh Saha & Another
Vs.
The State of West Bengal & Others**

Mr. Ali Ahasan Alamgir, Adv.
Ms. Soma Mal, Adv.
Ms. Rabia Khatoon, Adv.
Ms. June Modak, Adv.

...for the Petitioners

Mr. Gourav Das, Adv.
Mr. Biman Halder, Adv.

...for the State

Mr. Avishek Prasad, Adv.

...for D.P.S.C., Malda

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. Document filed in support of putting in deficit court fee is taken on record.
3. Matter relates to appointment in the post of Primary Teacher in the district of Malda in connection with a selection process which was scheduled to be initiated in 2009. Series of litigations followed after initiation of selection process and the long legal battle culminated into an order passed by the Co-ordinate Bench on 26th April, 2024. In the order dated 26th April, 2024 it was observed that candidates who were called for the interview in the aforesaid selection process and filed the writ petitions before this Court till 25th April, 2024 shall be entitled to appointments against the existing

and future vacancies. It was further observed that if applications for addition of parties have been filed on or before the aforesaid cut-off date in that event added candidates shall get the benefit of the order dated 26th April, 2024 and shall be treated similarly circumstanced like writ petitioners in the writ petition being *WPA 25712 of 2022*.

4. In the present case, though petitioners participated in the aforesaid selection process but they have filed the writ petition on 29th April, 2025 claiming appointment in the vacancies of Primary Teacher in the district of Malda since some of the selected and eligible candidates did not join the post.
5. On behalf of District Primary School Council, Malda (for short, 'DPSC, Malda') and State respondents prayer of the petitioners has been opposed on the strength of the order passed by the Hon'ble Division Bench dated 24th June, 2024 passed on *intra-court* appeals being ***MAT 994 of 2024 (Rakhi Chakraborty vs. State of West Bengal & Ors.)*** and ***MAT 996 of 2024 (Shanaj Begum vs. State of West Bengal & Ors.)***. It is submitted that the issue is no more *res integra* since it had been decided by the Hon'ble Division Bench in order dated 24th June, 2024 that relaxation of cut-off date is not permissible

considering the date of filing of the writ petitions by the respective parties and today if present writ petition is allowed, Court is required to extend the time for giving direction to appoint the petitioners. In addition thereto it is also submitted on behalf of DPSC, Malda that petitioners are not the empanelled candidates for being appointed in the post of Primary Teacher in the district of Malda. Therefore, no right accrues in their favour.

6. Having considered the submissions made on behalf of the respective parties, it appears though effort is made by learned advocate representing the petitioners to make out a case that it is not the case of mere relaxation of cut-off date which was fixed by the order of the Co-ordinate Bench dated 26th April, 2024 but petitioners being eligible candidates and in view of availability of vacancies due to non-joining of some candidates from the panel, right accrues in favour of the petitioners in this writ petition to get offer of appointments.
7. Such contention raised on behalf of the petitioners is found to be not acceptable in view of the issue being decided by the Hon'ble Division Bench in ***Rakhi Chakraborty (supra)***. Today if Court gives direction upon the concerned respondent authorities to give

appointments to the petitioners in the post of Primary Teacher in the district of Malda, in that event cut-off date of 25th April, 2024 which was fixed by the Co-ordinate Bench *vide* order dated 26th April, 2024 has to be relaxed. Such scope is no more left open in view of the issue being decided in ***Rakhi Chakraborty (supra)***. Relevant part of the order of the Hon'ble Division Bench in ***Rakhi Chakraborty (supra)*** is quoted below:

“In fact the petitioner intended to avail the benefit of the Judgment dated 26.04.2024. The moment the Court has restricted the benefit at a particular date and the said order attend (sic) finality having passed in presence of the parties, such date is inflexible and the benefit can only be extended to such persons who comes within the ambit thereof and cannot be extended to the others solely on the ground that they stand on a same footing that of the others.”

8. Moreover, order passed by this Court in writ petition being WPA 7327 of 2025 (*Mst Wahida Rahman & Ors. vs. The State of West Bengal & Ors.*) was questioned before the Hon'ble Supreme Court in Special Leave to Appeal (c) No(s).13596 of 2025, which was dismissed by the Hon'ble Supreme Court *vide* order dated 16th May, 2025 taking note of the submissions made on behalf of the petitioners seeking permission to withdraw the said special leave petition. Copy of the

order dated 16th May, 2025 passed by the Hon'ble Supreme Court is taken on record.

9. In view of aforesaid discussions, no relief can be granted to the petitioners.
10. Hence, writ petition stands dismissed.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)