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AKG
Ct. 15

WPA 15157 of 2025

**Sintu Saha
Vs.
The State of West Bengal & Ors.**

Md. Salauddin
Md. Raziuddin

...for the Petitioner

By filing this writ petition, the petitioner seeks regularisation of his service as a Gram Panchayat Karmi of Bedrabad Gram Panchayat, Baishnabnagar, District – Malda.

Admittedly, the petitioner was not appointed against a sanctioned post in accordance with the prescribed recruitment rules. In view of the above, the service of the petitioner cannot be regularised in light of the judgment of the Hon'ble Supreme Court in Secretary, State of Karnataka & Ors. vs. Umadevi (3) & Ors., reported in (2006) 4 SCC 1.

Learned counsel appearing for the petitioner, however, places reliance upon the judgment rendered in WPA 10784 (W) of 2017 (Pritam Kanjilal vs. The State of West Bengal & Ors.) by a Single Bench of this Court. The said decision was delivered on the specific facts of that case, wherein the learned Judge distinguished the ratio of Umadevi and observed inter alia as follows:

“In the case on hand the post of a drawing teacher of the said institution was sanctioned with a scale of pay attached to such post. Initially drawing teachers were appointed to the said post who enjoyed a regular scale of pay. The said sanctioned

post fell vacant as one Sushil Saha who was appointed to the said sanctioned post with regular scale of pay died on December 26, 1999. The fact that the petitioner was initially appointed to the said post on November 22, 2010 and is still continuing to render his service in the said post makes it clear that the job attached to the said post is perennial in nature. It is also evident from the Memo dated March 1, 2011 issued by the Director of Mass Education Extension, West Bengal that the post of drawing teacher is a full time post. Therefore, the authorities are enjoying service of the petitioner as a full time teacher but the petitioner is being deprived from the salary at the regular scale of pay attached to such post. Furthermore, it is not in dispute that the petitioner is a duly qualified candidate for appointment to the post of drawing teacher of the said institution and also that the petitioner participated in the selection process pursuant to an advertisement published by the concerned authority for the purpose of filling up the post of the drawing teacher of the said institution and was placed in the 1st position in the panel.”

As already observed, the petitioner in the present case was not appointed against a sanctioned post following the regular recruitment process. Accordingly, the said judgment of the learned Single Bench does not advance the petitioner's case.

In view of the above, **WPA 15157 of 2025** stands dismissed.

However, dismissal of this writ petition shall not preclude the petitioner from making an appropriate

representation before the State authorities seeking any financial benefit to which he may be entitled under the applicable Government rules and policies.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)