

25
27.11.2025
Ct. No. 11
rrc

MAT 1031 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 3 of 2025
and
IA No. CAN 4 of 2025
and
IA No. CAN 5 of 2025
and
IA No. CAN 6 of 2025

(Mst. Wahida Rahman & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Ali Ahsan Alamgir
Syed Wijaman
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

.... For the appellants

Mr. Supriyo Chattopadhyay, AGP
Mr. Suman Dey

..... For the State respondents

Mr. Avishek Prasad
Mr. Sourodeep Singha

..... For the DPSC, Malda

Mr. Simanta Kahir
Mr. Avik Pramanick

..... For the addition of parties

(in CAN 3/25, CAN 4/25,
CAN 5/25 & CAN 6/25)

The present appeal has been preferred challenging an order dated 8th April, 2025 passed by the learned single Judge in the writ petition being WPA 7327 of 2025. The said writ petition was preferred by 29 writ petitioners primarily praying for issuance of necessary direction upon the respondents to issue appointment letter in their favour in 119 non-joining vacancies under the District Primary School Council, Malda (hereinafter referred to as the said Council).

Mr. Alamgir, learned advocate appearing for the appellants submits that the appellants participated in the recruitment process of the year 2009 towards appointment of primary teachers, which was ultimately concluded in the year 2021. In connection with the said recruitment process, a notification was issued on 17th September, 2021 creating 1320 posts of primary teachers for the said Council and admittedly, vacancies are still existing and the appellants have a right to be considered for appointment in the said vacancies.

He further submits that it is not a case of mere relaxation of cut-off date fixed by an order dated 26th April, 2024 passed in a group of writ petitions including WPA 25712 of 2022. Such restriction cannot be applied in respect of the appellants who are eligible candidates and as there are left over vacancies.

Mr. Prasad, learned advocate appearing for the Council, however, denies and disputes the contention of Mr. Alamgir and submits that the issue involved is no longer *res integra*. A writ petition preferred by one Rakhi Chakraborty seeking the benefit of the order dated 26th April, 2024, was dismissed by an order dated 13th May, 2024 and an intra-court appeal preferred against the same was also dismissed observing *inter alia*, that *‘the moment the Court has restricted the benefit at a particular date and the said order had attained 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’. In view thereof, the appellants’ claim has been rightly negated by the learned single Judge.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellants were unsuccessful in the recruitment process of 2009. The issue as regards sustainability of the order dated 24th April, 2024 passed on consent travelled up to the Hon’ble Supreme Court and it was held that the said order ought not to have been reviewed. The issue urged, in the present proceedings, that the learned single Judge ought not to have restricted the entitlement towards appointment against existing or future vacancies only amongst the candidates, who were called for interview and had filed writ petitions until 25th April, 2024, was also considered in an independent writ petition filed subsequently but the said writ petition was dismissed and the said order was not interfered with in an intra-court appeal.

In such circumstances, no interference is called for in the present appeal and the same along with the connected application being CAN 1 of 2025 is dismissed.

Mr. Kabir, learned advocate appearing for the applicants in the applications for addition of party being

CAN 3 of 2025, CAN 4 of 2025, CAN 5 of 2025 and CAN 6 of 2025 submits, upon instruction, that the applicants do not want to proceed in the said applications. In view thereof, the said applications are dismissed as not pressed.

There shall, however, 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.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)