

25.07.2025.
Item No. 18.
Court No. 13
ap

M.A.T. No. 1058 of 2025
With
I.A. No. CAN 1 of 2025

Kanu Mandi & Ors.
Versus
The State of West Bengal & Ors.

Mrs. Santi Das,
Mr. R. D. Bhowmick.

...For the appellants.

Mr. Tapan Kumar Rakshit.

...For the respondent nos.4, 5 & 6.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The instant intra court appeal is directed against the order dated 24th June, 2025 passed by a learned Single Judge of this Court in W.P.A. 13072 of 2024.
3. The facts relevant to the case are that sometime in November and December, 2015 and in July, 2018 employment notices were issued for filling up vacant sanctioned post of two Drivers and 64 Mazdoors.
4. The petitioners participated in the recruitment process and gave a written examination. They came to know that they had succeeded in the written examination and in the interview process. The sanction for filling up of the vacant post as above and in the Kalyani Municipality was granted by the Director of Local Bodies, West Bengal.

5. The petitioners after participating in the recruitment process were reasonably expecting a panel to be published and were awaiting letters of appointment. In the interview process, however, no representative of the Director of Local Bodies was sent despite requests from the Kalyani Municipality. Until the year 2021, there was no response from Kalyani Municipality or the State Government as to the fate of the recruitment process.

6. On 12th August, 2021, the Chairman of Kalyani Municipality replied to communication from the State that they were not informed of the requirement of the approval of the Cabinet or the Finance Department for undertaking the process of recruitment. In any event, such requirement arose post 2020 after the recruitment process was completed.

7. Mrs. Santi Das, learned Counsel appearing on behalf of the appellants submits that it is not the fault of the petitioners that the Municipality was not informed or did not take the permission of the Finance Department and the Cabinet for effecting such recruitment. The recruitment is for filling up the vacancies in sanctioned post. The requirement of the Cabinet approval and that of the Finance Department would come only for creation of new posts and not for filling up of sanctioned vacant posts.

8. There is some merit in the submissions of the learned Counsel appearing on behalf of the appellants.

Indeed the doctrine of Internal Management is applicable in the instant case as the petitioners are not expected to be aware of the sanctions required to be taken by the Municipality for undertaking any recruitment.

9. The stand of the Government of implementing austerity measures post 2020 could not have applied to the recruitment process undergone by the appellants/writ petitioners.

10. Having considered the documents on record and having regard to submissions of the learned Counsel appearing on behalf of the Municipality and the Counsel for the State, this Court is of the view that relief cannot be granted to the petitioners for more than one reason. The recruitment process was over in the year 2018-2019. The writ petitioners approached the High Court for the first time in the year 2024. The final result of the recruitment process or publication of any panel has never occurred.

11. It is now well-settled that mere participation in the recruitment process would not confer any enforceable right on the candidates concerned. To that extent, this Court cannot find fault with the view of the learned Single Judge.

12. Indeed, the facts of the case are rather peculiar where no relief can be granted to the petitioners despite there being no fault on their part and the Municipality had duly obtained the consent and

permission of the Director of Local Bodies before initiating the recruitment process.

13. It now appears that the State is undertaking a fresh recruitment process and asked the Municipality to submit proposal therefor.

14. It is, therefore, presumed that the Director of Local Bodies and the Cabinet as well as the Finance Department have accorded approval for fresh recruitment in vacant sanctioned post of Kalyani Municipality.

15. In the event such recruitment process is undertaken, the writ petitioners shall be entitled to participate in the same subject to their fulfilling of other eligible criteria except age. The writ petitioners shall be entitled to participate from the stage of interview since they have already qualified in the earlier written test.

16. The Municipality shall, however, strictly ensure the State Cabinet has approved the recruitment process and the Finance Department has also accorded approval therefor.

17. The Director of Local Bodies shall obtain such prior approval by the aforesaid two Authorities and initiate and complete such process within a period of six months from date.

18. With the aforesaid directions, M.A.T. 1058 of 2025 must fail and is hereby dismissed.

19. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

20. There will be no order as to costs.

21. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)