

In The High Court at Calcutta
Constitutional Writ Jurisdiction

W.P.A. 18801 of 2023

Nishit Mondal

Vs.

The State of West Bengal & Ors.

Mr. Sk. Ashik Iqbal,
Mr. Rameshwar Sinha,
Ms. Debanjana Sen

...For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. Sagnik Chatterjee

...For the State.

Mr. Subir Sanyal, Sr. Adv.,
Mr. Ratul Biswas

...For the DPSC, Howrah.

In compliance with the direction dated January 13, 2025, Mr. Sanyal, learned senior advocate appearing on behalf of the Howrah District Primary School Council files the report of the Chairman of the said Council, the respondent no.5 herein bearing Memo No. 15/H, dated January 24, 2025; let it be kept with the record.

It appears from the said report that a co-ordinate Bench of this Court, in the matter of *WPA 3268 of 2015* and other similar matters, had passed an order on April 09, 2024 directing that the candidates of the recruitment process(es) of 2009 and 2012 who had filed writ petitions till March 31, 2024, shall be given appointments subject to proper verification of their testimonials and documents and availability of vacancies. The Council, in compliance with the said direction, has issued 287 appointment letters. The petitioner since has filed the writ petition prior to the said cutoff date of March 31, 2024 and he since is a candidate of the recruitment process of 2009, the Council shall comply with the said direction of the co-ordinate Bench.

Mr. Bhaskar Prasad Vaisya, learned AGP submits that the order dated April 09, 2024 was passed on the consent of the State; as such, the petitioner, not being a party to the writ petitions on which the said order was passed, is not entitled to derive any benefit from the said order.

Having heard the learned counsel for the parties and on perusal of the record, this Court is of the opinion that the consent given by the State was in respect of the aforementioned ***cutoff***

date, i.e. to say that the candidates of the aforementioned recruitment processes who have filed writ petitions prior to the said cutoff date would be entitled to be considered for appointment.

The petitioner since had filed the writ petition prior to the said cutoff date, the Council has decided to abide by the direction of the co-ordinate bench dated April 09, 2024; accordingly, the Chairman of the said Council, the respondent no.5 herein is directed to verify the testimonials and other relevant documents of the petitioner and upon completion of it, to issue appointment letter to the petitioner and shall thereafter, take steps for approval of the said appointment.

W.P.A. 18801 of 2023 is disposed of with the above terms and observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)