

S/L 5
07.08.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 26109 of 2023

Sanjay Kumar Mandal

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar

...for the Petitioner.

Mr. Supriyo Chattopadhyay, Ld. AGP
Mr. Arindam Ghosh

...for the State.

Mr. Tapas Kumar Dey

...for the Respondent Nos.4-5.

In compliance with the direction dated July 28, 2025, Dr. Samiran Mandal the erstwhile Principal of the Shirakole Mahavidyalaya, is personally present before this Court; his such personal appearance is dispensed with until further order(s).

Mr. Mandal informs this Court that he has already been transferred to Acharya Jagadish Chandra Bose College, Kolkata and the post of Principal in the said Shirakole Mahavidyalaya is lying vacant.

The petitioner is the Typist of the said college, he had participated in the selection process conducted by the Governing Body of the College to fill up the vacancy in the post of Cashier, i.e. the next promotional post of the petitioner.

The petitioner was found eligible and was appointed in the said post by the Governing Body.

The petitioner complaining delay in approval of his such appointment, had filed a writ petition being WPA 14285 of 2023.

A Co-ordinate Bench of this Court by the order dated July 20, 2023 had directed the Director of Public Instruction, Government of West Bengal, the respondent no.2 herein to consider the said prayer of the petitioner for approval of his appointment.

The said respondent by the order impugned dated September 13, 2023 has rejected the prayer of the petitioner holding, *inter alia*, that though prior permission to fill up the vacancy in the post of Cashier was accorded, but the procedure prescribed under the Government Order bearing No.940 Edn(CS) dated August 25, 2017 was not followed in conducting the selection process.

The earlier selection process since was conducted without following the procedure prescribed under the aforementioned Government Order, the order impugned does not call for any interference.

However, the respondent no.2, immediately after the Principal/T.I.C. takes charge of the College, shall take steps to conduct a fresh selection process to fill up the vacancy in the said post of 'Cashier' in terms of the aforementioned Government Order dated August 25, 2017 as expeditiously as possible.

The petitioner, since on the basis of the earlier selection process, has been working in the said post of Cashier, he is at liberty to participate in the said new selection process.

WPA 26109 of 2023 is disposed of with the above terms 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 of all requisite formalities.

(Biswajit Basu, J.)