

W.P.S.T. 7 of 2026

**Gairik Debnath & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee,
Mr. Rishabh Ahmad Khan

...for the Petitioners

Mr. Pranab Kumar Dutta, Id. G.P.,
Mr. Rajat Dutta

...for the State

1. Certified copy of the order dated 08.01.2026 passed by the West Bengal Administrative Tribunal ('Tribunal' for short) in O.A. No.5 of 2026, filed by the petitioners is taken on record.
2. Heard the learned advocate for the petitioners and the learned advocate for the respondents.
3. The petitioners applied pursuant to an advertisement for appointment of pharmacist published on 07.08.2025. One of the qualifications as per the advertisement was that candidate must be "*Registered as 'A' category Pharmacist under West Bengal Pharmacy Council*". The petitioners' candidature was rejected on the ground that they did not possess the requisite qualification of being registered on the relevant date (03.09.2025), i.e. the last date for submission of applications.
4. The learned advocate for the petitioners made a mentioning this morning that since the West

Bengal Administrative Tribunal is non-functional, their applications before the Tribunal cannot be considered. It was submitted that though the petitioners have the requisite qualifications as on the last date for submission of application forms, their candidature has been rejected and Computer Based Test (CBT) is notified to be held on 14.01.2026.

5. In the circumstances, we have notified this matter to be taken up today as an urgent matter.
6. The learned advocate for the writ petitioner has drawn attention of the Court towards the certificates issued by the West Bengal Pharmacy Council in favour of the writ petitioners to submit that petitioners were registered with the West Bengal Pharmacy Council (for short "Council"). He submits that all the writ petitioners possess certificates in support of their claim of being registered. By way of example, the learned counsel relied upon one such certificate issued in favour of one of the candidates, namely Gairak Debnath.
7. From perusal of the same, it is apparent that the certificate dated 22.02.2021 being produced in support of the petitioners' candidature is a "*Certificate of Restoration*" showing renewal of his registration under Section 34 of the Pharmacy Act. From perusal of the certificate, it is apparent that the petitioner was registered under the

Pharmacy Act, but his name was removed under sub-Section (2) of Section 34 of the Act. Subsequently, when he has fulfilled the conditions referred to in the proviso to that sub-Section, his name was accordingly restored in the Register. The other candidates also have annexed similar "*Certificate of Restoration*". It is apparent from perusal of the certificate that the same was not valid at the relevant time , and till the last date for submission of application forms, as per the advertisement. We made a specific query from the learned Advocate for the writ petitioner whether any writ petitioner had a certificate which was valid on 03.09.2025; being the last date for submission of application form. He fairly submits that all the writ petitioners are similarly situated.

8. He, however, submits that the requirement under the advertisement was of being registered. The petitioners were registered with the Counsel and since they were registered, they were required to be considered as an eligible candidate, irrespective of the fact whether the certificate had been renewed.
9. He submits that the advertisement did not contemplate submission of renewed certificate. He further submits that the authorities have given a window for submission of documents under a notification issued by the recruiting authority on

09.12.2025. Despite such opportunity being available, the petitioners were not allowed to submit their renewed certificates.

10. We have considered the submissions.
11. We find that the advertisement requires the candidate to be “*registered*”. The Certificates of Restoration/s, copy of which have been annexed by the writ petitioners, manifests that their registration had been removed/lapsed. Thereafter, on compliance with the statutory requirement for registration, “*Certificate of Restoration*” was issued. Even the Certificate of Restoration of registration was valid for a particular period and had lapsed long before the cut off date for submission of application forms (03.09.2025).
12. None of the writ petitioners possess a valid certificate to show that they were “*Registered*” with the Council as per requisite qualification in the advertisement. The petitioners, therefore, did not possess the requisite qualification as per advertisement dated 07.08.2025.
13. Insofar as the notice dated 09.12.2025 is concerned, the notice was issued for submission of documents; and cannot be considered as extending time for acquisition of the essential basic qualification.

14. We find that no case is made out for any interim order; or any relief to the petitioners to allow their participation.
15. The law in this regard is very well settled that the person is required to possess the requisite qualification as on the last date for submission of application form.
16. In the present case, the advertisement also requires possessing the requisite qualification within the last date (03.09.2025) for submission of forms. None of the petitioners were ‘*registered*’ with the West Bengal Pharmacy Council on 03.09.2025. Therefore, no case is made out for allowing them to participate in the recruitment process.
17. In this connection, we consider it apposite to take notice of the decision of the Apex Court in the case of ***Rakesh Kumar Sharma Vs. The State (NCT of Delhi) & Ors.*** reported in ***(2013) 11 SCC 58***. Paragraph Nos. 20 and 23 are relevant in this regard: -

“20. This Court lately in State of Gujarat v. Arvindkumar T. Tiwari [(2012) 9 SCC 545: (2012) 9 SCC (L&S) 795; AIR 2012 SC 3281] held: (SCC p. 550, para 14)

“14. A person who does not possess the requisite qualification cannot even apply for recruitment for the reason that his appointment would be contrary to the statutory rules,

and would therefore, be void in law. Lacking eligibility for the post cannot be cured at any stage and appointing such a person would amount to serious illegality and not mere irregularity. Such a person cannot approach the court for any relief for the reason that he does not have a right which can be enforced through court. (See Prit Singh v. S.K. Mangal [1993 Supp (1) SCC 714 : 1993 SCC (L&S) 246 : (1993) 23 ATC 783] and Pramod Kumar v. U.P. Secondary Education Services Commission [(2008) 7 SCC 153 : (2008) 2 SCC (L&S) 244].)”
(emphasis supplied)

A similar view has been reiterated by this Court in Pramod Kumar v. U.P. Secondary Education Services Commission [(2008) 7 SCC 153 : (2008) 2 SCC (L&S) 244] and State of Orissa v. Mamata Mohanty [(2011) 3 SCC 436 : (2011) 2 SCC (L&S) 83]

22. It also needs to be noted that like the present appellant there could be large number of candidates who were not eligible as per the requirement of rules/advertisement since they did not possess the required eligibility on the last date of submission of the application forms. Granting any benefit to the appellant would be violative of the doctrine of equality, a backbone of the fundamental rights under our Constitution. A large number of such candidates may not have applied considering themselves to be ineligible adhering to the statutory rules and the terms of the advertisement.”

18. In view of the above consideration with reference to the settled law, no case is made out in favour of the applicants/writ petitioners.

19. The writ petition is dismissed.
20. Consequently, the pending Original Application being O.A. No. 5 of 2026 is also dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)