

22.04.2026
Item No.22
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 1935 of 2026

**Md. Iqubal Hussain
versus
State of West Bengal & ors.**

Mr. Subhra Prakash Lahiri

Mr. Habibur Rahaman

... for the petitioner

Mr. Rajarshi Basu

Mr. K. M. Hossain

... for the State

Mr. Kamalesh Bhattacharyya

Mr. Rezaul Hossain

Mr. Pavel Das

... for respondent nos. 9 to 12

Mr. Bharat Ch. Simai

Mr. Arindam Saha

... for the Madrasah Authority

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities, particularly, respondent no. 5, District Inspector of Schools (S.E.), Uttar Dinajpur to rescind/cancel and/or withdraw the selection and appointment of the private respondent nos. 9 to 12 in Harbhanga High Madrasah (*hereinafter referred to as the 'said Madrasah'*) and initiate fresh recruitment process for the vacant posts.
3. The petitioner contends that his father donated 20 decimals of land within the L.R. plot no. 139 of Mouza Harbhanga, J.L. No. 76 under Police Station

Karandighi, District Uttar Dinajpur for playground and ingress and egress of the said Madrasah. The Managing Committee of the said Madrasah took a resolution that upon completion of graduation the petitioner will be absorbed in the said Madrasah as a teacher and an agreement to that effect was entered between the Managing Committee of the said Madrasah and the father of the petitioner. Since the petitioner was not given appointment, he moved a writ petition being WP 14272(W) of 2019 which was disposed of on 6th March, 2020 as follows:

“This Court sees no vested right in the petitioner or that any alleged undertaking of the Madrasah can bind the State in granting appointment to the petitioner’s son. No order can otherwise be passed in the writ application. However, in the event the Madrasah undertakes the process of recruitment, petitioner’s son shall be entitled to participate therein subject to the applicable recruitment Rules and advertisement.”

4. Thus, the Co-ordinate Bench clearly observed that the petitioner has no vested right to appointment but he is entitled to participate in the recruitment process subject to applicable recruitment rules. In the present writ petition the petitioner, precisely, challenges the appointment of the private respondent nos. 9 to 12 on the ground that the petitioner was not given the opportunity to participate in the selection process.
5. Mr. Subhra Prakash Lahiri, learned advocate appearing for the petitioner submits that in the year 2023, the Head Master of the said Madrasah, respondent no. 7 herein issued post sanctioning wise

staff pattern of the said Madrasah wherefrom it revealed that there were vacant posts, however, without any advertisement of the recruitment process and in utter disobedience of the earlier order the private respondent nos. 9 to 12 were given appointment against such vacant posts. He seeks for cancellation of such selection and appointment of private respondents.

6. Mr. Kamalesh Bhattacharyya, learned advocate appearing for the respondent nos. 9 to 12, on the contrary, submits that appointment of the private respondent nos. 9 to 12 have been made pursuant to order passed by this Court in W.P. 18146(W) of 2017 (CPAN 699 of 2019). Therefore, the appointment of the private respondent nos. 9 to 12 cannot be challenged. Furthermore, the petitioner has not approached the authority concerned for consideration of his candidature and, therefore, he has no *locus* to challenge the appointment of the private respondent nos. 9 to 12. He seeks for dismissal of the writ petition. He files copies of approval of appointment of private respondents, which is taken on record.
7. Similar submissions are also advanced by the learned advocate representing the appearing respondents.
8. Upon perusal of the aforesaid approval of appointment of private respondents, there cannot be any quarrel that the private respondent nos. 9 to 12 have been given appointment pursuant to order passed in W.P. 18146(W) of 2017 (CPAN 699 of 2019), AST 128 of

2017. Such being the position, the prayer for cancellation of the selection and appointment of private respondent nos. 9 to 12 is not sustainable.

Thus the writ petition falls short of merit.

9. Accordingly, the writ petition being **WPA 1935 of 2026** stands dismissed.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)