

S/L 28
22.06.2026
Court No.04
B.K.N

M.A.T. 133 of 2025
With
CAN 2 of 2025
Md. Montaj Ali & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Baidurya Ghosal,
Mr. Saikat Mukherjee

...for the Appellant.

Mrs. Chandreyi Alam, Ld. AGP,
Ms. Runu Mukherjee

...for the State of West Bengal.

1. Heard the learned advocate for the writ petitioners/appellants.
2. The writ petitioners had participated in the process of recruitment under the Department of Fire and Emergency Services, Government of West Bengal. The petitioners did not emerge successful in the recruitment process conducted in 2012 for the post of Auxiliary Fire Personnel in Nadia District.
3. Subsequently, certain directions were passed in another writ proceeding to revisit the recruitment process.
4. The present petitioners also approached this Court by filing W.P.A. 26263 of 2018. The writ petition was disposed of vide order dated 11.01.2023, in the following terms:

“The writ petition being W.P.A. 26263 of 2018 is disposed of by directing the Director General, West Bengal fire & Emergency Services being the respondent no. 2 herein, to consider the prayer of the petitioner for appointment to the post of Auxiliary Fire Personnel in the district of Nadia in case there are available vacancies in such posts in the concerned district and if the petitioner is found otherwise eligible and/or entitled to be appointed to the said vacant

posts in accordance with law. In the event vacancies are available and the petitioner is found eligible and is entitled to be appointed to the post-in-question, such appointment be given as expeditiously as possible. The entire exercise is to be completed within a period of eight weeks from the date of communication of this order to the concerned respondent authority.

The learned advocate appearing for the petitioner submits that the private respondents are similarly situated with that of the petitioner and are entitled to the same relief. In view of such submission it is observed that it would be open to the concerned respondent authority to also consider the case of the private respondents along with the case of the petitioner. I case they are also entitled to and are eligible for appointment to the posts-in-question.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.”

5. The petitioners’ right to consideration, therefore, is now confined to the directions of this Court passed on his earlier writ petition, W.P.A. 26263 of 2018, extracted above.
6. Only if petitioners were found to be eligible in terms of the order dated 11.01.2023 passed on their earlier writ petition, could they have claimed an appointment.
7. In course of the writ proceeding, the authorities placed on record the reasons in support of petitioners’ disqualification contained in the earlier communication dated 03.05.2023, in paragraph five of the report filed by them. The same clearly records the age of the writ petitioners with reference to their date of birth and consequent finding that they were not possessing the requisite (age) qualification; and were overage.
8. Pursuant to directions passed in W.P.A. 26263 of 2018 on 11.01.2023 the Additional Director General, West Bengal Fire and Emergency Services found the

petitioners disqualified as being overage, by an order dated 03.05.2023, which the learned advocate for the petitioners submits, was put to challenge in W.P.A. 22971 of 2023. Considering these aspects the learned Writ Court has found the petitioners' claim for quashing of the rejection order; and for issuance of direction for their appointment, to be untenable.

9. Having regard to the order dated 11.01.2023 passed in W.P.A 26263 of 2018, extracted above, the communication dated 03.05.2023 and the reasons for disqualification clarified pursuant to the order dated 10.10.2023 passed in W.P.A. 22971 of 2023, we find that the learned Writ Court did not commit any error by not entertaining the plea of the writ petitioners, who were found to be overage and, therefore, disqualified.
10. The present Intra Court Appeal, therefore, in our opinion, is devoid of any merit. The same is dismissed.
11. Pending application is also dismissed.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)