25.11.2026
Ct. No. 447
D/L. 15
SM

WPA 2279 of 2026
Tutun Sk.
Versus
The State of West Bengal & Ors.

Mr. Pappu Adhikari
.....for the petitioner
Ms. Aparna Banerjee, ld. A.G.P.
Mr. Arijit Bhowmik
Ms. Simran Sureka
.....for the State

1. Heard learned counsels for the parties.

2. The grievance of the writ petitioner is that the petitioner offered his candidature for the post of 'Home Guard' in West Bengal Police. The petitioner was found eligible in all respect save and except a pending criminal case where the petitioner was involved.

3. Learned counsel for the petitioner submitted that the petitioner was acquitted from the charges in the said criminal case. The petitioner was found not guilty. The said order was immediately communicated to the appropriate authorities conducting the recruitment process.

4. Learned counsel for the petitioner submits that no communication was made to the petitioner thereafter but the petitioner came to know that one Utpal Das (Harijan) has been appointed in the said post.

5. Learned counsel for the petitioner places reliance on the report of the Intelligence Branch with

regard to the continuing verification of the credentials of the petitioners dated January 3, 2023 and January 19, 2023. He submitted that the process for recruitment was ongoing.

6. Learned counsel for the petitioner placed reliance on the communication dated June 30, 2024 with regard to the medical examination of the petitioner and the person who has already been appointed and submitted that from the said letter, it is clear that the recruitment process was still on.

7. Learned counsel for the petitioner places reliance on the representation dated September 4, 2025 by which the petitioner requested the authorities to consider his case in respect of the recruitment notification and submitted such representation has not been considered.

8. Learned counsel for the petitioner further pointed out by a letter dated January 7, 2026 the State Government has declared that the case of the petitioner cannot be considered as the recruitment notification published in 2018 was valid for a period of one year. As such, the name of the petitioner cannot be considered any further. Learned counsel for the petitioner sought for setting aside of the communication dated January 7, 2026 and prayed for appointment of the petitioner in the post of Home Guard Volunteer in West Bengal Police.

9. Learned counsel for the State placed reliance on the report in the form of affidavit and submitted that in view of Clause 7 of notification dated August 23, 2017, the merit list was valid for a period of one year from the date of its publication and the same expired long back. As such, the case of the petitioner cannot be considered any further.

10. Learned counsel for the State further submitted that the candidate viz., Utpal Das (Harijan) has been appointed as a 'Home Guard' in 2025 on the ground of compassionate appointment and the same is independent of the recruitment process in question.

11. It appears from the record that in view of the notification dated August 23, 2017, the merit list would remain valid for one year and as such, the same has expired long back as the notification was published in 2018.

12. However, the authorities continued with the process of verification by way of seeking reports from the Intelligence Branch and sent the petitioner for medical examination even on 2024, contrary to the stand taken by the State that the merit list has expired long back. It is pertinent to note here that the person namely viz. Utpal Das (Harijan) has been appointed in 2025 in the compassionate appointment category although he was part of the selection process in terms of the recruitment notification in

2018 which, according to the State, has expired long back.

13. In these circumstances, it is clear that the State has acted contrary to the mandate of the notification dated August 23, 2017 by continuing with the process of verification, medical examination etc., with regard to the candidature of the petitioner and appointed another person whose name was featuring in the same merit list which expired long back.

14. Thus, the State cannot take a contrary stand at this stage and completely brush aside the claim of the petitioner regarding his candidature in the post of 'Home Guard Volunteer' in West Bengal Police. Since, the merit list has expired due to operation of the notification dated August 23, 2017, the same cannot be revived any further by this Court. The case of the petitioner is required to be considered afresh by the State.

15. The petitioner shall make a fresh representation to the appropriate authorities being respondent nos. 7 and 8 herein for the purpose of recruitment in the post of 'Home Guard Volunteer' in West Bengal Police within a period of four weeks from date and disclosing the entire facts and circumstances of the case.

16. In case, the representation is made by the petitioner, the respondent nos. 7 & 8 shall consider

the same in the light of the conduct of the State respondents and the facts and circumstances narrated hereinabove within a period of 8 weeks from the date of filing of submission of such representation.

17. While considering such representation, the respondent nos. 7 & 8 shall grant an opportunity of hearing to the petitioner or his authorized representative and shall consider the documents to be filed by the petitioner during hearing.

18. The respondent nos. 7 & 8 shall pass a reasoned order in respect of the said proceeding within a period of two weeks from conclusion of the hearing.

19. With these directions, **WPA 2279 of 2026** stands **disposed of**.

20. No order as to costs.

21. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

22. Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Sandip Kumar De, J.)