

W.P.S.T. 37 of 2026

Md. Israful
Vs.
The State of West Bengal & Ors.

Mr. Managendranath Bandhayapdhya,
Mr. Husen Mustafi

...for the Petitioner

Mr. Supriyo Chattopadhyay,
Mr. Sudip Kr. Maiti

...for the State Respondents

1. Heard the learned advocate for the applicant/writ petitioner and the learned State advocate.
2. It appears from the averments made in the Original Application and the documents appended thereto that the petitioner sought transfer from his posting in Darjeeling on a ground of inconvenience and pressing requirements in the family. The same having not allowed, there was lapse in the duty being discharged by him. Being a member of a uniform service, the petitioner, a Constable, was proceeded against and a final order passed in a proceeding by the Superintendent of Police, Darjeeling under D.O. No. 1811 dated 23.05.2003. The petitioner thereafter assailed the finding in an appeal. An appeal petition was filed belatedly and on such ground was rejected by the Deputy Inspector General of Police, Darjeeling Range, Darjeeling by an order dated 22.09.2003. Twenty (20) years thereafter, the petitioner made an application to

the Deputy Inspector General of Police, Darjeeling Range requesting permission to rejoin on the previous post of Constable. Having made such representation, he approached the West Bengal Administrative Tribunal ('Tribunal' for short) by filing an Original Application bearing O.A. No.124 of 2025. The sum and substance of the prayer made in the Original Application is to consider sympathetically his representation dated 08.08.2023, allowing him to rejoin. The O.A. was rejected by the Tribunal on 26.06.2025.

3. The learned advocate for the writ petitioner submits that once the representation was made, it was required to be considered. He, therefore, submits that this Court should direct for consideration of his representation.
4. We find no force in such submission. The petitioner was dismissed, as noted above on 23.05.2003. The petitioner's appeal against dismissal, rejected on 22.09.2003. The orders attained finality and determined the petitioner's claim. The situation was not questioned and the orders were not challenged by the petitioner for two decades. Thus, there is no scope for sympathetic consideration of a dismissed employee, who has chosen not to challenge the dismissal for 20 (twenty) years, to allow him to rejoin the dismissed post.

5. We find that there is no occasion for this Court to exercise jurisdiction under Article 226 of the Constitution of India and invoke its judicial review in respect of the order dated 26.06.2025, passed by the Tribunal in O.A. No. 124 of 2025.
6. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)