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2026

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NANDY

(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/4612/2026

BIPLAB KUMAR DAS
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Arunava Banerjee, Advocate
Mr. Sk. Qareeb, Advocate

.....for the Petitioner

Mr. Suddhadev Adak, Advocate
Mr. Yesh Bardhan Deora, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is aggrieved that in spite of order of this Hon'ble Court directing the concerned District Inspector of Schools (DI) to regularize the appointment of the petitioner from his date of appointment, which was also specified in the concerned Memo No. 1259/GEN dated 22.09.2009, the petitioner has not been regularized from the date of his appointment, but from a subsequent date, sometime in 2009.
3. Petitioner challenges the Memo No. 426/GEN of 27.04.2023, issued by the concerned DI.
4. *Prima facie*, it appears that the D.I. has considered the Memo of 22.09.2009 and has come to a finding on the basis that the School was upgraded only in the year 2000 and cannot be faulted for doing the same.
5. However, the matter needs to be re-visited as the memo of 22.09.2009 being no. 1259/GEN, is not sufficiently clear.
6. I direct the respondent no. 3 to revisit the issue upon giving an adequate hearing to the petitioner, upon prior notice, by 31.05.2026.
7. In the event, the concerned DI is of the opinion that Memo No. 426/GEN of 27.04.2023, is not in consonance with the Rules, he will adequately amend, alter, and/or rescind the afore-stated memo of 27.04.2023 and issue a fresh memo

insofar as the regularization of the petitioner's appointment is concerned.

8. Till such hearing is concluded and a reasoned order passed, the memo of 27.04.2023 bearing no. 426/GEN, will remain stayed and not be given effect to.
9. With the afore-stated directions, **WPA/4612/2026** is **disposed of**.

(Reetobroto Kumar Mitra, J.)