

W.P.S.T. 50 of 2026

**Sri Anup Das
Vs.
The State of West Bengal & Ors.**

Mr. M. N. Roy,
Mr. G. Halder

...for the Petitioner

Mr. Swapan Kr. Datta, Id. G.P.,
Mr. Tapas Kr. Roy,
Mr. Kaustav Chatterjee

...for the State

Ms. Shraboni Sarkar,
Ms. Umme Habiba Khatun

...for the P.S.C. W.B.

1. An issue raised in the present writ petition is the petitioner's grievance that he was placed below those appointed to the post of Sub-Assistant Engineer in a Public Service Commission Recruitment Process of 2005, though he was recruited to the same post pursuant to an earlier Public Service Commission Recruitment Process of 2004.
2. The learned advocate for the writ petitioner places reliance on Rule 4 of the West Bengal Service (Determination of Seniority) Rules, 1981. He submits that the Rule leaves no room for ambiguity that persons appointed on the result of an earlier selection process will be senior to those appointed as a result of a subsequent selection process.

3. The learned G.P. on the other hand submits that the issue is required to be considered with reference to the 1981 Rules, the recruitment Rules under which the petitioner was appointed, the advertisement/s and after giving a due opportunity to those who are recruited pursuant to the 2005 Recruitment Process, who are likely to be effected by a decision. The writ petitioner had raised his grievance by way of a representation submitted to the Secretary to the Government of West Bengal, Irrigation & Waterways Department (Respondent No.2) on 29.01.2024. The authority has not taken any decision in this matter till date.
4. We, therefore, are of the view that the Respondent No.2 should take a decision in respect of the petitioner's claims, after hearing the parties likely to be effected by such a decision.
5. We, therefore, remit the matter for consideration to the Respondent No.2.
6. It is expected that within a period of three months from the date of receipt/production of a copy of this order, the Respondent No.2 will conclude the consideration under due intimation to the parties.
7. The Writ Petition is disposed of.
8. In view of the order passed today, the matter being relegated for consideration to the authority, pendency of the Original Application No. 659 of

2024 would be an exercise in futility. The O.A. also stands disposed of in these terms.

9. It is needless to say that all issues are open to the parties, and it will be open to the aggrieved person to assail the decision of the Respondent No.2, in accordance with law.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)