

27.04.2026
Sl. No.764(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 6097 of 2021

Aritra Ghosh

Versus

The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Mridul Biswas,
Ms. Cardina Roy,
Ms. Raina Das

...for the Petitioners.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya

...for the DPSC,
North 24-Parganas.

1. Report in the form of affidavit filed by the respondent No.6, Chairman, District Primary School Council (*in short DPSC*), North 24-Parganas is taken on record. Copy served.
2. Exception to the report of respondent No.6, filed by the petitioner is taken on record.
3. By the present writ petition, the petitioners seek for approval of the panel for different categories and to issue letter of appointment to the petitioners within a specified period in respect of recruitment process of 2009 undertaken by the DPSC, North 24-Parganas.
4. Mr. Anindya Bose, learned Advocate appearing for the petitioner, at the very outset, indicates that similarly circumstanced candidates have already been granted appointment. The petitioner seeks for similar relief.

5. The petitioner contends that he participated in the recruitment process of 2009 and was successful in the written examination. The petitioner was called for interview. However, since the panel was not published, the petitioner has approached this Court seeking appropriate relief.
6. Mr. Bose, learned Advocate appearing for the petitioner submit that this Court in *Kakali Mondal & Ors. versus The State of West Bengal & Ors. (In Re: WPA 20966 of 2022)* passed orders directing for issuance of appointment letters to the candidates who were called for interview in the recruitment process of 2009 and have filed writ petitions until 24th April, 2024. The petitioner qualify the twin conditions. He seeks for similar benefit upon issuance of appointment letters in favour of the petitioner. In his usual fairness, Mr Bose, indicates that in a subsequent order passed in *Joyanti Saren versus The State of West Bengal & Ors. (In Re: WPA 8094 of 2022)* the Co-ordinate Bench of this Hon'ble Court has observed that no further writ petitions in recruitment process of 2009 conducted by the DPSCs, Malda, North 24-Parganas and Howrah shall be entertained beyond 31st July, 2024 even if the writ petitions are filed within the cut-off dates. Since other candidates who satisfied the twin conditions of the order dated 25th April, 2024 has been given appointment, the above observation would amount to discrimination to the petitioner who is also similarly circumstanced.

7. Mr. Bhaskar Prasad Vaisya, learned Advocate appearing for the DPSC, North 24-Parganas concedes that the petitioner is similarly circumstanced and they satisfy the twin conditions. He also submits that there are existing vacancies.
8. By order dated 25th April, 2024, upon observing irregularities and improprieties in the recruitment process of 2009, the Co-ordinate Bench in *WPA 20966 of 2024 (Kakali Mandal & Ors versus The State of West Bengal & Ors)* alongwith batch of other writ petitions, issued the following direction:

“13. In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct the all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 24th April, 2024, shall be entitled to appointments against existing or future vacancies.”

9. It is not in dispute several candidates who satisfied the twin conditions approached the Court and they were extended the benefit of order dated 25th April 2024. The petitioner is similarly circumstanced as of the candidates who have already been extended the benefit in terms of order of the Co-ordinate Bench of this Court. Indisputably, the petitioner was called for interview and the instant writ petition was filed on 1st March, 2021. Thus, petitioner fulfils the twin conditions of order dated 25th April, 2024 as above.
10. Accordingly, petitioner is entitled to the benefit of order dated 25th April, 2024 passed in *WPA 20966 of 2024*

(Kakali Mandal & Ors versus The State of West Bengal & Ors) alongwith batch of other writ petitions. The petitioner shall be entitled to appointment in the same terms and conditions as mentioned in the aforesaid order.

11. The entitlement of the petitioner to appointment is subject to fulfillment of all other criteria and subject to scrutiny of their documents by the DPSC, North 24-Parganas.
12. In paragraph no. 5 of the decision in *Joyanti Saren (supra)*, it has been observed by the Co-ordinate Bench of this Court that no writ petition shall be entertained after 31st July, 2024 even if the writ petitions are filed within the cut-off dates mentioned in the order. Be that as it may, it is relevant to note that the petitioner in the said writ petition was made entitled to appointment since she satisfied the twin conditions in the earlier order of the Co-ordinate Bench of this Court on 25th April, 2024 in *Kakali Mandal (supra)*. The petitioner herein also satisfy the twin conditions of the said order. With utmost humility this Court is of the opinion that there cannot be any plausible ground for denying the similar benefit to the petitioners herein.
13. With the aforesaid direction, the writ petition being **WPA 6097 of 2021** stands disposed of.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)