

19.01.2026.
Item No. 24.
Court No. 13
ap

M.A.T No. 447 of 2025
With
I.A. No. CAN 1 of 2025

Rozi Begum
Versus
The State of West Bengal & Ors.

Mr. Lutful Haque,
Mr. Moniruzzaman,
Ms. Taharima Khatun.

...For the appellant.

Md. Sarwar Jahan,
Ms. Mousumi Mitra,
Ms. Tapati Sarkar,
Ms. Shalini Sen,
Ms. Shaina Parvin,
Mr. Soumoujit Roy Chowdhury.

...For the respondent no.2.

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Mr. Saptarshi Chakraborty.

...For the private respondent no.15.

Mr. Bhaskar Prasad Vaisya, ld. AGP,
Mr. Ranjan Saha.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.

2. The instant intra court appeal is directed against the judgment and order dated 24th March, 2017 passed by a learned Single Judge of this Court in W.P. 29122 (W) of 2015.

3. The Single Bench found several irregularities in the petitioner's appointment as Sahayika in the Sishu Siksha Kendra. The notice inviting applications only gave seven days for the intending candidates to submit applications. Rules prescribed a minimum period of 15

days. The date, time and place for interview is not mentioned in the notice. Any appointment made based on the said advertisement is by itself *ex facie* illegal. Several eligible candidates may have been deprived of an opportunity to participate in the selection process.

4. There is further irregularity noticed by this Court that the panel of successful candidates is required to be sent to the local Panchayat Samity for approval. Sishu Siksha Kendra, in the instant case, appointed the petitioner even prior to approval of the Panchayat Samity. An *ex post facto* approval by the Samity after a period of six years is relied upon by the learned Counsel for the appellant. Far from being irregular, the appointment process of the petitioner is itself grossly and incurably illegal.

5. There are other irregularities noticed by the learned Single Judge of this Court. The appellant has been receiving remuneration illegally from the Sishu Siksha Kendra. The same was directed to be recovered and has been recovered.

6. In the backdrop of the above, this Court finds no reason to interfere with the impugned order dated 24th March, 2017.

7. There are several other irregularities that the Single Bench is noticed need not be adverted to at this stage.

8. For the reasons as stated hereinabove, the impugned order calls for absolutely no interference. M.A.T. 447 of 2025 shall stand dismissed.

9. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)