

Item No. 76-79
09.04.2026
KOLE/AB
266045

**FMA 746 of 2025
With
CAN 1 of 2025**

**Md Helal Sk & Ors.
-Vs.-
State of West Bengal & Ors.**

**With
MAT 1826 of 2022
With
CPAN 78 of 2024
With
MAT 1422 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
With
MAT 787 of 2025
With
CAN 1 of 2025**

*Mr. Raghunath Chakraborty,
Mr. Sabnam Sultana,
Mr. R. Singh,
Ms. M. De ...for the petitioner in CPAN 78 of 2024
& Appellants in FMA 746 of 2025.*

*Mr. Raghunath Chakraborty,
Mr. Sabnam Sultana,
Mr. R. Singh,
Ms. Amrita De ...for the Appellants in MAT 1422 of 2025.*

*Mr. Probal Kumar Mukherjee, sr. adv,
Mr. Arpita Chowdhury, ...for the alleged contemnor.
Mr. Ansar Mondal,
Mr. Tanveen J. Mondal ...for the State.*

*Mr. P. S. Bhattacharya, sr. adv,
Md. Kutubuddin,
Mr. Raju Bhattacharya
...for the Appellants in MAT 787 of 2025.*

Dictated by Arijit Banerjee, J:-
IN Re: CPAN 78 of 2024

This contempt application was taken out alleging willful violation of a judgment and order dated April 12, 2023, passed by us in MAT 1826 of 2022. The operative portion of the said order reads as follows:-

“We appreciate such fair stand of the State. We are of the view that since 1,20,633 aspiring candidates participated in the selection process and in the written examination and since the OMR sheets are intact, the process that was earlier initiated should be carried to its logical inclusion in accordance with the applicable rules and law. Any process, if remains to be undertaken shall be undertaken as per the rules, including holding viva-voce and still test.

We enquired from Mr. Mookherjee, learned Advocate General as to within what time period the selection process may be completed. On instruction, he says that four months would be a reasonable time period. Hence, it is expected that the entire process shall be completed within four months from date.

This order must be made known to the candidates who participated in the selection process by way of wide publication in the manner the State administration may deem fit and proper.”

Mr. Mukherjee, learned Senior Counsel appearing for the alleged contemnors apprises us today that although belatedly, the selection process has been completed.

Mr. Chakraborty, learned Advocate appearing for the petitioners says that the selection process has not been concluded following the true spirit and intent of the order violation of which is alleged in this contempt application.

We are of the view that there is no willful violation of our order. The alleged contemnors have carried out the

selection process to a conclusion according to their understanding of our order. If the contemnors have erred anywhere in doing so, that would furnish a fresh cause of action to the petitioners who will be at liberty to take appropriate steps in accordance with law before the appropriate forum.

We see no reason to keep this contempt application pending which, accordingly stands disposed of.

We clarify that the observations made in this order will have no bearing on any other legal proceeding that may have been or may be in future instituted by the petitioner.

CPAN 78 of 2024 is disposed of.

In re : FMA 746 of 2025 With CAN 1 of 2025

This appeal is directed against a judgment and order dated March 24, 2025, passed by a learned Judge of this Court, whereby WPA 301 of 2025, being a writ petition filed by the appellants herein, was dismissed.

The learned Judge did not enter into the merits of the writ petition which concerned a selection process initiated by publication of notification dated September 21, 2017. That matter was carried to a Division Bench of this Court by way of MAT 1826 of 2022, which was disposed of by the Division Bench by a judgment and order dated April 12, 2023. Essentially, the Division Bench had directed the concerned Authorities to complete the selection process within four months.

Alleging violation of that order of the Division Bench, a contempt application was filed by the present appellants,

who were also parties to the appeal on which the earlier Division Bench order was passed. Learned Single Judge in the present round of litigation dismissed the writ petition of the appellants solely on the ground that the contempt application was pending before the Division Bench which also touched the point of completion/non completion of the selection process in question.

Today, we have disposed of the contempt application. In our view, it will be appropriate for us to remand the matter back to the learned Single Judge to decide the writ petition on merits. We, accordingly, do so. We request the learned Single Judge having determination in the matter to decide the appellants' writ petition on merits upon hearing all concerned parties. We clarify that we have not touched the merits of the case and all questions are left open for the parties to argue before the learned Single Judge.

We also request the learned Judge to give some precedence to this matter, if possible, since it pertains to a selection process initiated in 2017 which was about nine years ago.

We are told that the learned Single Judge did not call for affidavits before dismissing the writ petition. The respondents in the writ petition will be at liberty to file affidavits in opposition within a fortnight from date. Reply thereto, if any, be filed within a week thereafter.

The parties would be at liberty to mention the matter before the learned Single Judge after three weeks.

FMA 746 of 2025 is disposed of along with CAN 1 of 2025.

In re : CAN 1 of 2025 in MAT 1422 of 2025

This is an application for leave to prefer appeal against a judgment and order dated March 24, 2025, whereby a learned Single Judge of this Court dismissed WPA 301 of 2025. The present applicants were not parties to the writ petition. However, they claim to be vitally interested in the subject matter of the writ petition and adversely affected by the order dismissing the writ petition. Hence, they pray for leave to appeal.

Having heard learned Counsel for the parties, we are of the view that leave should be granted to the applicants.

CAN 1 of 2025 is disposed of.

In re : MAT 1422 of 2025 with CAN 2 of 2025

This appeal is directed against a judgment and order dated March 24, 2025, passed by a learned Judge of this Court, whereby WPA 301 of 2025, being a writ petition filed by the appellants herein, was dismissed.

Earlier today, we disposed of FMA 746 of 2025, which was an appeal preferred against the same judgment and order, which is under challenge in this appeal. The judgment and order passed in FMA 746 of 2025 shall govern the present appeal as well.

Additionally, the present appellants will be at liberty to apply before the learned Single Judge having determination to take up WPA 301 of 2025 for being added as party respondents in that writ petition.

We also clarify that since these appellants were not parties to the writ petition being WPA 301 of 2025, no question of exchange of affidavits as indicated in the order disposing of FMA 746 of 2025 would arise at this stage. The present appellants, once added as parties to the writ petition, will be at liberty to adopt the pleadings filed by the writ petitioners.

MAT 1422 of 2025 is disposed of along with CAN 2 of 2025.

In re : MAT 787 of 2025 With CAN 1 of 2025

This appeal is directed against a judgment and order dated April 4, 2025, passed by a learned Judge of this Court, whereby WPA 21801 of 2024 was dismissed along with another writ petition being WPA 366 of 2025. WPA 21801 of 2024 was a writ petition filed by the present appellants.

The learned Judge did not enter into the merits of the writ petition which concerned a selection process initiated by publication of notification dated September 21, 2017. The same issue had been raised in WPA 301 of 2025 and the matter was carried to a Division Bench of this Court by way of MAT 1826 of 2022, which was disposed of by the Division Bench by a judgment and order dated April 12, 2023. Essentially, the Division Bench had directed the concerned Authorities to complete the selection process within four months.

Alleging violation of that order of the Division Bench, a contempt application was filed by the appellants in MAT 1826 of 2022. Learned Single Judge in the present round of

litigation dismissed the writ petition of the appellants solely on the ground that the contempt application was pending before the Division Bench which also touched the point of completion/non completion of the selection process in question.

Today, we have disposed of the contempt application. In our view, it will be appropriate for us to remand the matter back to the learned Single Judge to decide the writ petition on merits. We, accordingly, do so. We request the learned Single Judge having determination in the matter to decide the appellants' writ petition on merits upon hearing all concerned parties. We clarify that we have not touched the merits of the case and all questions are left open for the parties to argue before the learned Single Judge.

We also request the learned Judge to give some precedence to this matter, if possible, since it pertains to a selection process initiated in 2017 which was about nine years ago.

We are told that the learned Single Judge did not call for affidavits before dismissing the writ petition. The respondents in the writ petition will be at liberty to file affidavits in opposition within a fortnight from date. Reply thereto, if any, be filed within a week thereafter.

The parties would be at liberty to mention the matter before the learned Single Judge after three weeks.

MAT 787 of 2025 is disposed of along with CAN 1 of 2025.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)