

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10466 of 2026

Md Jasim Khan
-versus
The Union of India & Ors.

Mr. Dibyajyoti Mandal
Mr. Manishankar Chattopadhyay
... For the petitioner

Mr. Pinaki Bhattacharyya
Mr. Amarendra Chakraborty
... For Union of India

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is serving as ASI (Ministerial) in Border Security Force posted at Rajarhat, Kolkata. His wife is serving in Indian Armed Forces as Civilian, non-Gazetted Staff and her unit is at the Area Accounts Office, Kolkata.
3. The petitioner has a minor child of two and a half years. He is in Kolkata since 2022. He applied before the authority for tenure extension for a period of one year which stood rejected on the ground that one ASI (MIN) is surplus at SHQ, Kolkata.
4. It has been submitted that the authority failed to take into consideration the guidelines of the Department of Personnel and Training relating to spouse posting.

5. The petitioner prays for a direction upon the respondents to re-consider his prayer for retaining him at Kolkata in any of its offices for a period of one year.

6. Learned advocate representing the respondents submits that the prayer of the petitioner was duly considered and rejected as it has been found that there is surplus ASI at Kolkata.

7. Upon hearing the parties and on perusal of the documents placed before this Court, the Court is of the opinion that the authority duly considered the prayer of the petitioner for tenure extension and rejected the same. However, from the order of rejection, it is not clear as to whether the guidelines relating to spouse posting was taken into consideration or not.

8. Accordingly, the instant writ petition stands disposed of by directing the concerned authority to re-visit the prayer of the petitioner for tenure extension.

9. If it appears that the guidelines relating to spouse posting was taken into consideration at the time of rejecting his prayer on the earlier occasion, then there is no reason to change the impugned decision of the authority. But if the guidelines for spouse posting was not taken into consideration, then the prayer of the petitioner for tenure extension on the ground of spouse posting be re-considered afresh.

10. The authority shall take a decision in the matter at the earliest. The decision of the authority shall be communicated to the petitioner without any delay.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)