

05.02.2026.
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WPA 11662 of 2025
with
CAN 1 of 2025

Kalpana Mandi & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arunava Banerjee,
Ms. Simantika Dasgupta,
Ms. Ritika Mandal.

...for the petitioners.

Mr. Pritam Choudhury
Mr. Sankha Prasad Roy.

...for the State.

In Re : CAN 1 of 2025

1. This is an application for addition of party. The applicant is a similarly situated person as the petitioners in WPA 11662 of 2025.
2. The application being CAN 1 of 2025 is allowed and the applicant is directed to be added as a petitioner in the instant writ petition.
3. Let the name of the applicant be incorporated in the cause title of the writ petition as petitioner no. 3 in WPA 11662 of 2025.

In Re : WPA 11662 of 2025

4. Affidavit-of-service, as filed in Court, is kept on record.

5. Petitioners no. 1 and 2 are wives of the erstwhile employees who worked as staff and/or hostel/mess workers in the hostels of the various polytechnic institutes. Petitioner no. 3 was employed as a staff at the hostel/mess of a polytechnic institute. The institute is directly controlled by the Director of Technical Education and Training. The husbands of the petitioners no. 1 and 2 and the petitioner no. 3 have been working in their posts since their respective dates of appointment without any break of service and to the satisfaction of their employers.

6. They were appointed in such capacity in accordance with the recruitment rules and after observing all the procedures under the relevant statute. The appointment letters were issued by the Principal/Secretary of the Institute. After their appointment, they continued in their service uninterruptedly. They were extended the benefits of uniform service in terms of Government Notification No.998-Edn(U) dated December 7, 1981. The pay was revised in terms of Memo dated February 14, 2000 issued by the Joint Secretary, Government of West Bengal. Although the status of the petitioners was like that of Group-D employees but all the allowances and other service benefits of Group-D employees were not extended. By an order dated January 2, 2014, the State authorities declined to extend the benefits as

available to Group-D employees to hostel/mess of the polytechnics. Some of the employees challenged the aforesaid order by preferring writ petition being WPA 14133 (W) of 2014. Some others who were denied some benefits of Group-D employees opposed this by preferring another writ petition being WPA 18230(W) of 2014. Those writ petitions were disposed of by orders dated May 14, 2014 and June 27, 2014 wherein this Court quashed the impugned order dated January 2, 2014 and directed the concerned respondents to give the writ petitioners the status of Group-D employees and treat them as permanent employees. Aggrieved by such order, the Director of Technical Education and Training, Government of West Bengal preferred two mandamus appeals being FMA 1152 of 2015 and FMA 1161 of 2015. By an order dated February 28, 2019, the two appeals were dismissed. The orders were confirmed up to the Hon'ble Supreme Court. The Hon'ble Apex Court dismissed the Special Leave 3 Petitions being Special Leave to Appeal (c) Nos.28253 to 28254 of 2019 on March 4, 2022. Relying on earlier orders, a Co-ordinate Bench of this Court passed an order dated May 2, 2023 in WPA 10108 of 2022. By office order passed on July 24, 2024, such benefits were granted to the aggrieved employees. Reliance is also placed on

similar orders passed by this Court in WPA 11670 of 2024 and WPA 11014 of 2019.

7. Learned Counsel appearing on behalf of the State submits that several orders have been passed in this regard by Co-ordinate Benches. The matter had gone to the Hon'ble Apex Court and was decided in favour of the employees. However, there is a difference between 'Group-D' employees and hostel/mess employee.

8. It appears that the petitioners are employees of polytechnics who seek similar benefits as Group-D employees. They were appointed in accordance with relevant recruitment rules and as per statute. They continued their services uninterruptedly. They are getting the same pay scale as Group-D employees. They were extended benefits of uniform services in terms of the notification dated December 7, 1981. The pay was revised in terms of the Memo dated February 14, 2000.

9. Therefore, the petitioners appear to stand in the same footing as those aggrieved employees who had earlier been granted similar benefits by Co-ordinate Benches of this Court. In fact, some of the matters went up to the Hon'ble Apex Court and were decided in favour of the employees.

10. During the course of submissions, I was informed that the order of the Hon'ble Apex Court, on which

reliance was placed was carried in review by the State respondents. The said review has, however, failed. Thus, the order of the Hon'ble Apex Court stands confirmed and is binding on this Hon'ble Court.

11. In view of the above finding, the respondents are directed to extend the benefits to the petitioner no. 3 the status and service benefits as available to Group-D employees of the Government of West Bengal and he shall be treated as permanent Government employee.

12. The respondents shall extend the service benefits to the petitioners no. 1 and 2 which would have been available to their husbands in terms of the benefits extended to Group-D employees of the State Government. The concerned respondents including the State are directed to release all service benefits to the petitioners herein in terms of the aforestated, which they are entitled to receive as regular Group-D employees from the respective date of appointment of the petitioner no. 3 and the respective dates of appointment of the husbands of the petitioners no. 1 and 2.

13. Let these payments be disbursed by April 15, 2026.

14. Petitioners are directed to communicate a copy of this order to the respondent authorities immediately.

15. With the aforestated directions, the writ petition is disposed of.

16. There shall, however, be no order as to costs.

17. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)