

Form No. J.(2)
Item No. ML/73
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 14932 OF 2025

KRISHNA PRASAD GHOSH

Vs.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Hafij Ali, Adv.
Mr. Partha Sarathi Das, Adv.
Mrs. Purnima Panda, Adv.
Mr. Agnijyoti Chanda, Adv.

For the State : Mr. K.J. Yusuf, AGP
Mr. Parikshit Goswami, Adv.

Hearing concluded on : 20.01.2026

Judgment On : 20.01.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and the State respondents.

3. Pursuant to a recruitment notice dated 27th June, 2017 issued by Additional District Magistrate (G), Purba Bardhaman, Civil Defence Volunteers (Male) in the District of Purba Bardhaman were informed for sponsoring names of 150 Civil Defence Volunteers for engagement as Auxiliary Fire Operator, till regular recruitment, on substantive basis under West Bengal Fire and Emergency Services.
4. It is submitted on behalf of the petitioner that a list of eligible candidates was prepared where being Civil Defence Volunteer petitioner's name featured at serial no.2, which appears from a document at page 41 of the writ petition. Subsequently, Admit Card-cum-Attendance Sheet for Screening Test for recruitment as Auxiliary Fire Operator was issued to the petitioner and date of Screening Test was scheduled on 14th November, 2018.
5. Learned advocate representing the petitioner contends that petitioner was not selected and a writ petition was filed being *WPA 7127 of 2019 (Panna Roy & Ors. vs. The State of West Bengal & Ors.)*. Petitioner was one of the writ petitioners in the aforesaid writ petition. Said writ petition was disposed of by a Co-ordinate Bench *vide* order dated 6th September, 2023 thereby directing Director General, West Bengal Fire and Emergency Services to take decision on the prayer of the petitioners within a specified time.
6. Subsequent to the order passed on 6th September, 2023 by the Co-ordinate Bench, on 5th October, 2023 Admit Card was issued in favour

of the petitioner thereby permitting the petitioner to appear for Endurance Test for being engaged as Auxiliary Fire Operator. Said Endurance Test was scheduled on 13th October, 2023.

7. However, it is submitted on behalf of the petitioner that Additional Director General, West Bengal Fire and Emergency Services cancelled the candidature of the petitioner *vide* memo dated 30th August, 2024 on finding that petitioner crossed the prescribed upper age limit on 1st January, 2023. As per norms, 33 years is fixed as upper age limit.
8. It is contended on behalf of the petitioner that petitioner may have crossed upper age limit on 1st January, 2023 but while applying for being engaged as Auxiliary Fire Operator in 2017, petitioner was within the upper age limit of 33 years. According to the petitioner, decision of the Additional Director General, West Bengal Fire and Emergency Services as contained in memo dated 30th August, 2024 cannot survive.
9. State respondents are represented by learned advocate, who has opposed this writ petition based on the decision of Additional Director General, West Bengal Fire and Emergency Services dated 30th August, 2024.
10. During course of hearing, order dated 26th May, 2017 issued by Deputy Secretary to the Government of West Bengal, Department of Fire and Emergency Services is placed before this Court, which relates to engagement of 1500 Auxiliary Fire Operator under West Bengal Fire and Emergency Services, and same is taken on record.

11. Based on such order dated 26th May, 2017 issued by the Deputy Secretary to the Government of West Bengal, recruitment notice for the district of Purba Bardhaman for engagement of Auxiliary Fire Operator was issued on 27th June, 2017 by the Additional District Magistrate (G), Purba Bardhaman.
12. On perusal of order dated 26th May, 2017 of the Deputy Secretary to the Government of West Bengal, it appears that age limit for being engaged as Auxiliary Fire Operator was fixed as 18 years to 33 years as on 1st January, 2017/first day of month of January in the year of engagement or deployment.
13. It appears from memo dated 30th August, 2024 whereby candidature of the petitioner was cancelled, that while taking decision by the Additional Director General, West Bengal Fire and Emergency Services Clause 3(e) of the order dated 26th May, 2017 of the Deputy Secretary to the Government of West Bengal was not taken into consideration. As it has been provided under Clause 3(e) that candidate, if is found to be within the prescribed upper age limit on 1st January, 2017, can be considered suitable for being engaged as Auxiliary Fire Operator.
14. Hence, memo dated 30th August, 2024 issued by the Additional Director General, West Bengal Fire and Emergency Services stands set aside.
15. Director General of Fire and Emergency Services being respondent no.2 is directed to revisit the issue and decide the candidature of the petitioner, taking note of age of the petitioner at the time of making

application by the petitioner thereby offering his candidature for Auxiliary Fire Operator under West Bengal Fire and Emergency Services, pursuant to recruitment notice dated 27th June, 2017.

16. A reasoned decision shall be taken by the respondent no.2 within eight (8) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative.
17. Decision to be taken by the respondent no.2 shall be communicated to the petitioner by ten (10) days thereafter.
18. With the aforesaid directions, writ petition stands disposed of.
19. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)