

S/L 13
26.02.2026
Court No.04
B.K.N

W.P.S.T. 156 of 2024
Dhirendra Nath Sarkar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Partha Chakraborty,
Mr. Rishabh Dutta Gupta,
Ms. Hema Samajdar

...for the Petitioners.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Somnath Naskar

...for the State Respondents.

1. Heard the learned advocate for the writ petitioners.
2. An Original Application was filed bearing O.A. No. 476 of 2021. Sketchy averments have been made in the Original Application that some of the applicants were placed in a waiting list pursuant to a panel prepared for the year 2007-2008 arising out of an advertisement for recruitment to the post of Operator-cum-Mechanic, Assistant Operator and Electrician.
3. There is no specific averment as to how many of the applicants were placed in the waiting list and which of the applicants were placed in the waiting list. It is further stated that some of the applicants filed O.A. No. 72 of 2010 and O.A. No. 73 of 2010 claiming that an appointment should be offered to the applicants by virtue of their place in the waiting list. The Original Application was disposed of on 25/28 August, 2020, without granting any relief on 25/28 August, 2010. Then It is averred in the Original Application that the applicants filed writ petition challenging the order of the West Bengal Administrative Tribunal (Tribunal for

short) passed in O.A. No. 72 of 2010 and O.A. No. 73 of 2010.

4. The two writ petitions were registered as W.P.S.T. 329 of 2012 and W.P.S.T. 330 of 2012. The Writ Court dismissed the writ petition by recording that merely because the petitioners' names are in the waiting list does not give them an indefeasible right to be appointed. The writ petition wherein some of the present applicants were party, thus, finally determined the fate of petitioners' claim insofar as recruitment in respect of an appointment process conducted in the year 2007 was concerned. The order of the Writ Court is dated 12.09.2012.
5. The learned advocate for the petitioner further submits that some of the applicants in the Original Application out of which the present writ proceeding arises, earlier filed a writ petition claiming the same relief that they should be issued appointment letters in respect of a recruitment process of 2007-2008. The writ petition W.P.A. 394 of 2020 was disposed of on 22.03.2021 on the ground that the matter was required to be raised before the Tribunal.
6. From the order passed by the Writ Court in W.P.A. 394 of 2020, dated 22.03.2021 it appears that the fact that some of the applicants had earlier moved before the Tribunal (O.A. 72 and 73 of 2010) and in writ proceeding (W.P.S.T 329 and 330 of 2012) was not considered by the Writ Court.

7. It is submitted that since the Writ Court disposed of the writ petition reserving the liberty of the petitioners to approach the State Administrative Tribunal. The Tribunal was obliged to consider the petitioners' claim.
8. From the sequence of events noted above insofar as some of the applicants are concerned, we find that their fate was determined by passing of the order in W.P.S.T. 329 of 2012 and W.P.S.T. 330 of 2012.
9. Insofar as others who may or may not have joined in W.P.A. No. 394 of 2020, we would observe that filing of a writ petition and seeking a liberty in 2020 would not validate or resurrect an otherwise dead cause of action for filing an Original Application in the year 2021, in respect of a recruitment process conducted in the year 2007 for which the panel, as per averments in the Original Application itself, lapsed in the year 2008.
10. The Tribunal, therefore, was right in dismissing the Original Application. We find no infirmity in the order dated 22.12.2021 passed by the West Bengal Administrative Tribunal in O.A. 476 of 2021.
11. The writ petition is dismissed.
12. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)