

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 19402 of 2025

**Surajit Mndal & Ors.
Versus
The State of West Bengal & Ors.**

For the petitioners : Ms. Santi Das
Ms. Satabdi Das

For the respondent nos. : Ms. Sonal Sinha
1 to 3. Ms. Amrita Panja Moulick

Heard on : 05.01.2026.

Judgment on : 05.01.2026

Raja Basu Chowdhury, J (Oral):

1. Affidavit of service filed in Court is taken on record.
2. Despite service, the municipality is not represented.
3. Challenging the memo dated 1st February, 2023, issued by the Deputy Secretary to the Government of West Bengal, Department of Urban Development & Municipal Affairs, the instant writ petition has been filed.
4. According to the petitioners, in the month of November and December, 2015 and July, 2018 employment notices were issued by the Chairman, Kalyani Municipality inviting application for filling up vacant sanctioned post of Driver and Mazdoor and prescribed

forms were made available in the website of Kalyani Municipality. The petitioners have requisite qualification for the post of driver and mazdoor, as per the employment notice in November, December, 2015 and July, 2018, and had applied to the said post and were issued admit cards by the municipality for participating in the written examination. The petitioners appeared in the written test and successfully passed the written examination whereupon the municipal authority had directed the petitioners to appear for interview. The petitioners claim that they had participated in the recruitment process and succeeded in the written examination and in the interview process and accordingly, a panel was prepared with the successful candidates and the petitioners were informed that their names were empanelled in the said panel prepared by the municipal authority and had already been sent to the Director of Local Bodies vide memo dated 12th May, 2020 seeking approval for the post of driver and mazdoor. Subsequently, however, by a memo dated 1st February, 2023, all on a sudden, the Deputy Secretary, Government of West Bengal, had written to the Chairman, Kalyani Municipality with a direction upon him to furnish a proposal for filling up the post as per the guidelines dated 29th August, 2022.

5. Learned advocate representing the petitioners has, however, drawn attention of this Court to the order dated 25th July, 2025 and would submit that in identical set of facts similarly placed petitioners had previously moved a writ petition which ultimately reached finality

and came to be disposed of by the Hon'ble Division Bench of this Court in MAT 1058 of 2025. By the aforesaid order, the Hon'ble Division Bench of this Court taking note of the plight of the similarly placed petitioners and also noting that mere participation in the recruitment process would not confer any enforceable right on the candidates concerned had been pleased to observe as follows:-

“5. The petitioners after participating in the recruitment process were reasonably expecting a panel to be published and were awaiting letters of appointment. In the interview process, however, no representative of the Director of Local Bodies was sent despite requests from the Kalyani Municipality. Until the year 2021, there was no response from Kalyani Municipality or the State Government as to the fate of the recruitment process.

6. On 12th August, 2021, the Chairman of Kalyani Municipality replied to communication from the State that they were not informed of the requirement of the approval of the Cabinet or the Finance Department for undertaking the process of recruitment. In any event, such requirement arose post 2020 after the recruitment process was completed.

7. Mrs. Santi Das, learned Counsel appearing on behalf of the appellants submits that it is not the fault of the petitioners that the Municipality was not informed or did not take the permission of the Finance Department and the Cabinet for effecting such recruitment. The recruitment is for filling up the vacancies in sanctioned post. The requirement of the Cabinet approval and that of the Finance Department would come only for creation of new posts and not for filling up of sanctioned vacant posts.

8. There is some merit in the submissions of the learned Counsel appearing on behalf of the appellants. 3 Indeed the doctrine of Internal Management is applicable in the instant case as the petitioners are not expected to be aware of the sanctions required to be taken by the Municipality for undertaking any recruitment.

9. The stand of the Government of implementing austerity measures post 2020 could not have applied to the recruitment process undergone by the appellants/writ petitioners.

10. Having considered the documents on record and having regard to submissions of the learned Counsel appearing on behalf of the Municipality and the Counsel for the State, this Court is of the view that relief cannot be granted to the petitioners for more than one reason. The recruitment process was over in the year 2018-2019. The writ petitioners approached the High Court for the first time in the year 2024. The final result of the recruitment process or publication of any panel has never occurred.

11. It is now well-settled that mere participation in the recruitment process would not confer any enforceable right on the candidates concerned. To that extent, this Court cannot find fault with the view of the learned Single Judge.

12. Indeed, the facts of the case are rather peculiar where no relief can be granted to the petitioners despite there being no fault on their part and the Municipality had duly obtained the consent and 4 permission of the Director of Local Bodies before initiating the recruitment process.

13. It now appears that the State is undertaking a fresh recruitment process and asked the Municipality to submit proposal therefor.

14. It is, therefore, presumed that the Director of Local Bodies and the Cabinet as well as the Finance Department have accorded approval for fresh recruitment in vacant sanctioned post of Kalyani Municipality.

15. In the event such recruitment process is undertaken, the writ petitioners shall be entitled to participate in the same subject to their fulfilling of other eligible criteria except age. The writ petitioners shall be entitled to participate from the stage of interview since they have already qualified in the earlier written test.

16. The Municipality shall, however, strictly ensure the State Cabinet has approved the recruitment process and the Finance Department has also accorded approval therefor.

17. The Director of Local Bodies shall obtain such prior approval by the aforesaid two Authorities and initiate and complete such process within a period of six months from date.”

6. Ms. Das, learned advocate representing the petitioners would submit that since the petitioners are similarly placed and form part of the same panel, similar benefit should be afforded to the petitioners.
7. Having heard the learned advocates appearing for the respective parties and noting that the above issue has been finally disposed of by the Hon'ble Division Bench of this Court, the petitioners cannot be treated differently. Accordingly, I am of the view that, in the event, the recruitment process has already not been completed, the present writ petitioners shall also be entitled to participate in the same manner as directed by the Hon'ble Division Bench in

paragraph 15 of the order dated 25th July, 2025, and the municipal authority shall in accordance with the order of the Hon'ble Division Bench strictly ensure that the Cabinet as well as the Finance Department have accorded approval thereof. The process, however, if not already completed, shall be completed by the municipal authorities in terms of the direction passed by the Hon'ble Division Bench on an expeditious basis.

8. With the above observations and directions, the writ petition is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)

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A.R. (Court)