

11.05.2026
Sl. No.66(DL)
Ct. No.14
srm

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

W.P.A. No. 19802 of 2025

Md. Hasifur Rahaman

Versus

The State of West Bengal & Ors.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak

...for the Petitioner.

Mr. Avishek Prasad

...for the DPSC, Malda.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for issuance of appointment letter to the petitioner for the left out 119 non-joining vacancies in the post of Assistant Teacher of Primary School under DPSC, Malda pertaining to recruitment process of 2009.
3. The petitioner contends that he participated in recruitment process of 2009. On being successful in the written examination, he was called for interview. However, appointment letter was not issued to him. Some of the candidates who approached this Court, has been given appointment pursuant to order of the court passed in WPA 25712 of 2024. The petitioner is suffering from cancer. The petitioner seeks that his

candidature be considered on humanitarian ground and he be given appointment to the post of Assistant Teacher. Hence, this writ petition.

4. Mr. Ali Ahsan Alamgir, learned Advocate for the petitioner submits that about 119 vacancies are still left to be filled up. The case of the petitioner ought to be considered on humanitarian ground as he is suffering from cancer. The petitioner is also a PH candidate. He seeks for appropriate orders.
5. Mr. Avishek Prasad, learned Advocate representing the District Primary School Council, Malda submits that in *Md. Asiruddin and others versus State of West Bengal and others (In Re: WPA 25712 of 2022)* along with other batch of writ petitions this Hon'ble Court has laid down two conditions, namely that the candidates who were called for interview in the recruitment process of 2009 and have filed writ petitions until 25th April, 2024 were directed to be issued appointment letters. This writ petition has been filed beyond the cut-off date i.e. on 21st August, 2025 and as such the petitioner is not eligible for getting appointment.
6. In *Md. Asiruddin (supra)*, this Court *vide* order dated 26th April, 2024 observed as follows:

“In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct that all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 25th April, 2024

shall be entitled to appointments against existing or future vacancies.”

7. Upon bare reading of the aforesaid order, it is clear that this Court laid down twin conditions for consideration of candidature for recruitment initiated in the year 2009. *Firstly*, the candidates should be called for interview and *secondly*, the writ petitions should be filed until 25th April, 2024. Though the petitioner was called for interview, however, the writ petition has been filed on 21st August, 2025 which is beyond the cut-off date fixed by the Co-ordinate Bench this Court. Thus, the petitioner fails to fulfill the aforesaid twin conditions. Hence the writ petition falls short of merit.
8. Accordingly, the writ petition being **WPA 19802 of 2025** stands dismissed.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)