

10/02
2026

AD-126/24
266312
NANDY

(DISPOSED OF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 18740 of 2016
CAN 1 of 2025

**RENU KUMARI
VS.
THE STATE OF WEST BENGAL & ORS.**

Mr. Anindya Bose, Advocate
Mr. Sourav Koley, Advocate
Ms. Jenifar Alam Megha, Advocate

.....for the Petitioner

Mr. Shuvro Prokash Lahiri, Advocate
Mr. Ankan Mondal, Advocate

.....for the Respondent No. 4

Mr. Pinaki Dhole, Advocate
Mr. Avishek Prasad, Advocate

.....for the State

Ms. Tapati Samanta, Advocate
Mr. Arindam Ghosh, Advocate

.....for the Respondent No. 5

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner's grievance is that the petitioner was employed as a teacher sometime in 1997 in the Bhuna Adibasi High School, Malda (hereinafter the School). The petitioner has rendered service since 1997 and continues to do so without any default or break in service. The petitioner's service has not been regularized.
3. The only defence taken by the respondent is that the petitioner may not have been appointed to a sanctioned vacant post, on account whereof her service could not be regularized. It is on the basis of this defence that the respondent no. 3 proceeded to pass an order on 01.08.2016 holding, inter alia, that the petitioner's service could not be regularized as she had not been appointed to a vacant sanctioned post.
4. Since there was no clarity on whether the petitioner had

been appointed to a vacant sanctioned post, I had called for a report from the respondent no. 4, which has been filed today and is taken on record.

5. It appears from the report that the post of language teacher (Sanskrit) in the said School had remained vacant since 1988 and the petitioner was appointed sometime in 1997. In spite of repeated reminders, the post had not been filled up. In fact, the petitioner is presently the only language teacher (Sanskrit) of the School.
6. While considering the case of the petitioner, the respondent no. 3 placed reliance on the decision of the Hon'ble Supreme Court of India reported in **(2006) 4 SCC 1** (*Secretary, State of Karnataka Vs. Uma Devi & Ors.*) and that of **(2015) 8 SCC 265** (*Amar Kant Rai Vs. State of Bihar*).
7. It is not in dispute that the decision in Uma Devi (supra) bars and discredits any sort of backdoor entry. However, the said decision has clearly made a demarcation and distinction in so far as an illegal and irregular appointment is concerned.
8. In view of the fact that the petitioner's appointment to the post meets the parameters;
 - i) *She is a duly qualified person,*
 - ii) *She has worked for more than 10 years in the post and*
 - iii) *The post, prima facie, appears to be a sanctioned post, which was vacant,*it is trite that the order dated 01.08.2016, of the respondent no. 3, impugned in the writ-petition, be set aside.
9. In view of the afore-stated, I direct the respondent no. 3 to reconsider the case of the petitioner and specially in light of the decision of the Hon'ble Supreme Court reported in **AIR (2025) SC 3897** (*Dharam Singh & Ors.*

Vs. State of U.P. & Anr.), a copy whereof will be provided by the petitioner at the time of hearing to the respondent no. 4.

10. The respondent no. 3 is directed to give a hearing to the petitioner and conclude the entire process by 30.03.2026 by delivering a reasoned order in respect thereof.
11. The outcome of the consideration will be intimated to the petitioner by 15.04.2026 and in the event, the consideration is in favour of the petitioner, the authorities will take immediate steps to effect regularization of the appointment of the petitioner as a language teacher (Sanskrit) in the said School.
12. In view of the afore-stated, **WPA 18740 of 2016** and the connected application being **CAN 1 of 2025** are **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)