

16.02.2026.
Court No. 13
Item No. 27.
sp

F.M.A. No. 1545 of 2025
With
CAN 1 of 2025
Surajit Saha
Versus
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
Mr. Sreekumar Chakraborty,
Mr. Souvik Chakraborty.
..for the appellant.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
..for the State.

Mr. Sujoy Bandyopadhyay,
Mr. Asim Kumar Ghosh,
Mr. Subhamoy Dutta.
...for the Municipality, Medinipur.

1. The appeal is directed against order dated 4th August, 2025 passed by a Single Bench of this Court in WPA 15793 of 2022.
2. The grievance of the appellant was that he was entitled to be regularized in the post of cashier upon being a senior most candidate in the feeder post of Licensee Inspector. The post of License Inspector equivalent that of a clerk. The Single Bench found favour with the petitioner on this argument.
3. However, since the petitioner had stated that the appointment to the post of Cashier was not by promotion but by direct recruitment, the Single Bench, found contradictory stands being taken by the appellant.

4. Mr. Mahata, learned counsel for the State respondent argued that the petitioner had not challenged the order dated 9th June, 2022 passed by the Director of Local Body rejecting the petitioner's case for regularization of promotion to the post of Cashier.

5. Mr. Mahata by reference to paragraph nos. 29 and 30 of the decision of ***Bharat Amratlal Kothari and another Vs. Dosukhan Samadkhan Sindhi and others*** reported in ***(2010) 1 SCC 234*** argued that when a relief is not claimed, a Writ Court should not grant such a relief.

6. There are various difficulties, inter alia, of the issue being raised in a subsequent proceeding would crop up. There is force in the submission of Mr. Mahata.

7. Indeed it is seen that the petitioner has not formally challenged the order of the DLB. In the absence thereof, the learned Trial Judge who appears to have been with the petitioner till the end of the judgment, has thereafter rejected his prayer for approbation and reprobation. Learned counsel for the appellant seeks liberty to approach the Trial Court and amend pleadings.

8. Having considered the above, this Court is of the view that although the petitioner superannuated from service on 31st October, 2022, the impugned order would have serious implications on his terminal benefits.

9. In that view of the matter, this Court permits the petitioner to approach the Trial Judge with an appropriate application, inter alia, for leave to file supplementary affidavit and also seek clarification and/or modification of the said order.

10. With liberty reserved to the appellant as stated hereinabove, FMA 1545 of 2025 is, thus, disposed of.

11. Consequently, all connected applications, if any, shall also stand disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)