ORDER SHEET
WBCHCA0423572026

Item No.2
Ct. No. 1
RP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WP.CT/199/2026

1) UNION OF INDIA, Represented by the Secretary, to the Government of India, Ministry of Information & Broadcasting, Shastri Bhawan, 'A'. wing, New Delhi-110001.

2) THE DIRECTOR GENERAL, Prasar Bharati (Broadcasting Corporation of India- (Doordarshan), Doordarshan Bhawan, Copernicus Mare, Mandi House, New Delhi-110001.

3) The Director, Prasar Bharati Broadcasting Corporation of India, (Doordarshan), Golf Green, Calcutta-700095.

4) The Deputy Director General (E), Broadcasting Corporation of India (Doordarshan), Golf Green, Calcutta-700095. **]…. PETITIONERS**

versus

BIMALENDU GUHA
son of Late Ardhendu Shekar Guha, residing at 21, Brajanath Lahiri Lane, Zone-1, Plot-2, Howrah-700004, P.O. Santragachi, P.S. Chatterjee Hat and working for gain as casual Graphic Artist in Doordarshan Kendra, Kolkata-700095. **]…. RESPONDENT**

Appearance :

Mr. Sukanta Chakraborty
Mr. Anjan Chakraborty
Ms. Avantika Chakraborty]… Advocate for Petitioners
Ms. Debjani Sengupta
Ms. Shalina Haque
Ms. Kalpita Paul
Mr. Abhijit Chatterjee]… Advocate for Respondent

CORAM: RAVINDRA VITHALRAO GHUGE,
CHIEF JUSTICE
&
OM NARAYAN RAI J.

Date: 08.10.2026

Judgment (Per Ravindra V Ghuge, CJ)

1. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners before us are the Union of India and the Director General, Prasar Bharati (Broadcasting Corporation of India- (Doordarshan). The sole Respondent was the Original Applicant before the Learned Central Administrative Tribunal, Kolkata Bench, in OA No.350/00476/2016, which was disposed off by the Judgment dated 29.10.2025. By the said Judgment, the Applicant was held ineligible for regularization in service in terms of the 'Scheme for Regularization of Casual Artists' issued by OM dated 30.06.1992 and OM dated 09.06.1992 (hereinafter referred to as the Regularisation

Scheme). The Order dated 07.03.2016, issued by the Head of Office, Doordarshan Kendra Kolkata, the Order dated 27.08.2012, issued by Petitioner No.2 and the report of the screening committee dated 12.09.2013, were quashed and set aside. The Competent Authority has been directed to issue an order of regularization to the Applicant with effect from the date of the introduction of the scheme.

3. In the above fact situation, the Union of India and Doordarshan have prayed as follows:-

"*A writ of and/or in the nature of Certiorari to set aside Order dated 29.10.2025 passed by Hon'ble Central Administrative Tribunal, Kolkata Bench in OA No.350/00476 of 2016.*"

4. We have considered the strenuous submission of the Learned Counsel for the parties before us. Learned Advocate for the Petitioners submits that the Impugned Judgment is palpably erroneous, perverse and deserves to be quashed and set aside. He further submits that the Applicant has merely taken a chance of preferring an Original Application and the cost and expenditure of litigation should also be quantified and recovered from him.

DATES AND SEQUENCE OF EVENTS

5. The dates and sequence of events are as under :-

a) The Applicant is said to be born on 23.12.1964.

b) The recruitment rules for the post of Graphic Artist notified by GSR 581 dated 28.06.1988, prescribe the upper age limit as 25 years.

c) The Applicant was inducted on assignment basis in Doordarshan Kendra Kolkata, in March 1989 and again on 30.10.1989, when he was 24 years of age.

d) On the date of his above engagement, the Applicant was under 25 years of age.

e) He was further engaged as a casual artist on assignment basis on 25.09.1990. He worked for 70 days in 1990 and 120 days in 1991.

f) The cut-off date for being on the rolls as a casual artist under the Regularization Scheme, was 31.12.1991.

g) A scheme was framed after the Judgment of the Central Administrative Tribunal dated 14.02.1992 in OA 563 of 1986 (Anil Kumar Mathur vs. Union of India).

h) A further order was issued by the Director General, Doordarshan, on 09.06.1992, for relaxing the upper age limit to the extent of the service

rendered at the time of regularization. The age of the Applicant on the said date was 27 years, 5 months and 17 days.

i) A clarificatory OM dated 17.03.1994, was issued for the purpose of computing the number of days on the basis of 'wages paid divided by minimum wage' for the purpose of considering the cases for regularization, depending upon the availability of vacancies.

j) The Director Doordarshan Kendra Kolkata, issued the letter dated 15.12.1994, enlisting four casual graphic artists, including the Applicant, as being eligible for empanelment.

k) On 04.03.1995 the Director, Doordarshan Kendra Kolkata, recommended only Shri Kunal Chowdhury for regularization. The Applicant was at serial no.2. He was not recommended, considering him to be over age.

l) Kunal Chowdhury's case was taken by Doordarshan to the Hon'ble Supreme Court, which dismissed the Civil Appeal No.1458-1459 of 2010 on 12.02.2014, and directed absorption with effect from 26.06.2007, "*to do complete justice*". Thus, Kunal Chowdhury was regularized in employment.

m) On 06.05.2015, Prasar Bharati informed all Kendras regarding approval of the Competent Authority for regularization of 233 Casual Artists with two posts of Graphic Artist in Kolkata Kendra.

n) On 08.05.2015, Shri Abdul Hamid was regularized on the recommendation of the Screening Committee. Shri Hamid was recommended by the Screening Committee of DDK, Patna and he came to Kolkata. He was regularized at the age of 59.

o) The Tribunal has recorded that Shri Hamid was overage on 09.06.1992 and was given appointment as a Graphic Artist in Doordarshan Kendra Kolkata. He joined on 16.09.2015 at the age of 59 years 9 months and retired on 29.02.2016.

p) Thereafter, the Applicant made several representations, which have been turned down, thereby compelling him to approach the Tribunal by preferring OA 350/00476/2016 which has been decided and allowed by the Impugned Judgment.

6. We find from the record that the only ground taken by the Doordarshan Kendra Kolkata, is that the Applicant was over age by 5 months and 17 days.

7. We have perused the scheme which carries the title as 'SCHEME FOR REGULARISATION OF CASUAL STAFF ARTISTS IN DOORDARSHAN AS PER THE JUDGMENT IN OA NO.563/86 dated 14.2.1992 in M/s. Anil Kumar Mathur vs. UOI case.'

8. The relevant portion of the scheme has been reproduced in paragraph 6.2 of the Impugned Judgment by the Tribunal.

Firstly, it indicates that the scheme would be applicable to all those Casual Artists, who were employed on casual basis on 31.12.1991, including those who were on the rolls of the Doordarshan, notwithstanding that they may not be in service now and still will be eligible for consideration. Those who are engaged on casual basis after 31.12.1991, will not be eligible for regularisation considering that this was a special scheme.

Secondly, another condition of the scheme indicates that those Casual Artists, who have been engaged for an aggregate period of 120 days in a calendar year, prior to 31.12.1991, will be eligible for consideration. The broken period in between engagement and disengagement will be ignored for this purpose.

9. The above conditions of the scheme shed sufficient light on the controversy before us. A Casual Artist, who may have been engaged even before 31.12.1991, who may have been on the rolls of Doordarshan earlier and who may not be in service on the date of the OM, would also be eligible for regularisation.

10. We are re-visiting the dates and sequence of events only for the purpose of highlighting that in May 1989, Doordarshan Kendra Kolkata engaged the Applicant as a Casual Artist. He was again engaged on 24.05.1990. He worked for 70 days in 1990 and 120 days in 1991, prior to 31.12.1991. Clause 2 of the scheme which we have adverted to herein above indicates that a Casual Artist, who worked for 120 days in any calendar year prior to 31.12.1991, would be eligible for regularization.

11. A clarificatory note issued by Doordarshan dated 1st September, 1992, does not dent the case of the Applicant for the reason that a clarificatory note cannot override a scheme, inasmuch as, there is no observation in the note, which would indicate that the Applicant was not entitled. As per the modalities of the scheme, the Applicant was within the age limit of 25 years when he was first engaged in March 1989 and continued thereafter, intermittently. Having completed 120 days in employment in 1991, his case is squarely covered by the scheme.

12. In view of the above, it requires no further debate on the grounds raised by Petitioners. Much ado for nothing has been created before us. The Tribunal has rightly appreciated the facts of the case and has delivered an

appropriate Order. The same cannot be termed as being perverse or erroneous.

13. **This Writ Petition is dismissed. Rule is discharged**. **Pending Civil Application, if any, would not survive and stands disposed off**.

(OM NARAYAN RAI, J.) **(RAVINDRA V. GHUGE)**
Chief Justice