

17.03.2026

Ct. No.18

D.L.31

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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21606 of 2025

Subhalakshmi Ray

v.

Bank of India & Ors.

Mr. Sudipta Dasgupta,

Mr. Sutirtha Nayek,

Ms. Suryatapa Das

... for the petitioner.

Mr. Debashis Saha

....for Bank of India.

1. The petitioner's application dated 5th April, 2025 seeking reappointment in the bank in terms of the leave granted by the Hon'ble Supreme Court in paragraph 47 of the judgment dated April 3, 2025 passed in Civil Appeal arising out of Special Leave Petition (Civil) No.9586 of 2024 with several other SLPs in the matter of **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.** is pending consideration for a considerable period of time.
2. The Hon'ble Supreme Court directed the previous employer of the untainted candidates to process the application for reappointment within three months. The time period stipulated by the Hon'ble Supreme Court is long over.
3. It has been submitted that the Punjab National Bank accepted similar prayers for re-appointment and did actually reappoint the candidates who were found to be untainted.
4. Prayer has been made to direct the bank to re-appoint and allow her to function in the post in which she was previously working.

5. The aforesaid submission of the petitioner is opposed by the learned advocate representing the Bank. It has been submitted that the order of the Hon'ble Supreme Court clearly mentions about the right of the candidates to be reverted to the State Government or the Autonomous bodies. The Bank does not fall within the description as given by the Hon'ble Supreme Court in Paragraph 47 of the judgment. It has also been submitted that the Bank of India is not required to rely upon the precedent of any other bank.
6. The principle of *ejusdem generis* has been relied upon. The expression used by the Hon'ble Supreme Court in paragraph 47 of the judgment i.e., "State Government or Autonomous Bodies, etc." has been submitted not to include the bank. Learned advocate for the bank prays for dismissal of the writ petition.
7. The issue as to whether the bank would be obliged to comply the direction passed in paragraph 47 of the aforesaid judgment fell for consideration before this Court in WPA 21604 of 2025 (Samrat Goswami & Anr. vs. State Bank of India & Ors.). The Court vide judgment dated 17th March, 2026 held that the previous employer of the candidates who lost their job in view of the aforesaid judgment would be bound to reappoint the said candidates after verification whether the candidates are enlisted in the list of tainted candidates published by the West Bengal Central School Service Commission in its official portal.
8. The ratio laid down in Samrat Goswami (supra) will apply in the present case.

9. In the instant case the application made by the petitioner is pending for a considerable period of time. The bank is, accordingly, directed to verify as to whether the petitioner's name is enlisted in the list of tainted candidates published by the West Bengal Central School Service Commission in its official portal.
10. If the petitioner's name is not appearing in the list of tainted candidates, then the bank shall take steps to reappoint the petitioner in her previous position by maintaining her seniority and other entitlements including increments. There shall be no break in service of the petitioner. If the post where the petitioner was serving is not readily available, then a supernumerary post may be created in terms of the direction passed by the Hon'ble Supreme Court.
11. Steps shall be taken by the bank at the earliest but positively within a period of four weeks from the date of communication of this order.
12. The writ petition stands disposed of.
13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)