

28.01.2026.

**50
Ct.No.24.
as**

WPA 25400 of 2025

**Animesh Mahato
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari,
Sk. Imtiaj Uddin.

...for the Petitioner.

Mr. Swapan Kr. Datta, Ld. G.P.,
Mr. Dipankar Das Gupta.

...for the State.

1. The petitioner, a contractual non-teaching staff in the Sitaram Mahato Memorial College was engaged thereat since inception, sometime in 2013. Pursuant to the memo of November 28, 2017, a post for Head Clerk was created in the said college. Pursuant thereto on March 15, 2018, an advertisement was issued inviting persons interested to apply for several posts including the post of Head Clerk to apply with their testimonials.

2. The petitioner was the highest empanelled candidate and was duly called for interview, on October 10, 2018. After such interview, there was a complete silence on the part of the authorities and no steps were taken for engaging the petitioner, even though he was the highest empanelled candidate. The same will appear from the communication between the college and the respondent No.3 dated November 17, 2018.

3. There has been no response to the repeated representations of the college authorities and requests to engage the petitioner in the post of Head Clerk, being otherwise qualified, as the highest ranked candidate.

4. Mr. Das Gupta appearing for the State authorities indicates that in terms of the memo dated November 19, 2007, the vacancy in the post of Head Clerk is a promotional post, which has to be filled up by persons in the institution, on promotion.

5. Since this is a new institution, which was established sometime in 2013 and the post of Head Clerk was created in 2017, the question of a promotional post may not be commensurate in the present case. In addition, interested persons were asked to apply for the said post by the advertisement of March, 2018.

6. The respondent No.3 is directed to dispose of the representation made by the college authorities appearing at pages 21-24 of the writ petition, in the light of the communication dated November 17, 2018 and particularly, in the light of the fact that this promotional post may not be commensurate in this new institution which was established in 2013. Such representation will be considered upon adequate prior notice to the petitioner and the college authorities by February 28, 2026.

7. Upon such consideration, a reasoned order will be passed and duly communicated to the petitioner by March 15, 2026.

8. If the consideration is decided in favour of the petitioner, consequential steps will be taken for approval of the petitioner for appointment to the post of Head Clerk.
9. With the aforestated direction, the writ petition is disposed of.
10. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rectobroto Kumar Mitra, J.)