

16.02.2026
Item No.14
Court No.11
KCP

MAT 1986 of 2022
with
IA No. CAN 1 of 2023
with
IA No. CAN 2 of 2023

Prakash Chandra Purkait
- Versus -
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das
Ms. Poulami Dutta
Ms. Tithli Piplai
...for the appellant

Mr. Biswajit De
Ms. R. Ghatak
...for the State respondents

Re : CAN 2 of 2023

As we have invited the learned Advocates appearing for the respective parties to advance their arguments on the merits of the matter, the delay of five days in preferring the appeal is condoned. Accordingly, the application, being IA No. CAN 2 of 2023, stands disposed of.

MAT 1986 of 2022
with
IA No. CAN 1 of 2023

This intra-court appeal is directed against the order dated 14th September, 2022 passed in a writ petition being WPA 20091 of 2022. By the said order, the writ petition, which had been preferred primarily seeking a direction upon the concerned respondents to consider the petitioner's representation for regularization of his service

as a Group-D staff of Durganagar Bholanath Siksha Niketan (hereinafter referred to as “the said school”), was dismissed.

Briefly stated, the facts leading to the filing of this application are that the petitioner, by preferring the said writ petition, claimed that he was engaged by the school authority as a non-teaching staff member of the said school on 1st August, 2014, and since then has been rendering service in the said school in lieu of a meagre amount of Rs. 1,000/- per month.

He submitted representations before the concerned authority on several occasions, and even the Deputy Secretary, School Education Department, upon receipt of such representation from the petitioner, forwarded the same to the Commissioner of School Education for consideration. However, those representations and the said communication did not yield any fruitful result. Accordingly, the petitioner was compelled to prefer the writ petition.

A perusal of the order impugned in the appeal indicates that the learned Single Judge declined to accept the petitioner’s prayer on the ground that the petitioner’s appointment was purely contractual, and as such, there was no scope for consideration of his prayer for regularization of his service.

Mr. Das, learned Advocate appearing for the appellant, submits that, considering the fact that the petitioner has been serving the school since 2014 upon

receipt of a meagre amount of Rs. 1,000/- per month, a pragmatic view should be taken and a direction be issued upon the concerned respondents to regularize the petitioner's service as a Group-D staff of the said school.

Mr. De, learned Advocate appearing for the State respondents, vehemently opposes such contention. He submits that the petitioner's appointment cannot be said to be legal, as he was engaged in violation of the extant rules.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

It is well settled that a direction for regularization, absorption, or permanent continuance should not be granted by the Court in exercise of its powers under Article 226 of the Constitution of India, unless the employee claiming regularization has been appointed in accordance with the prevailing recruitment rules against a sanctioned post.

In the present case, no material has been brought on record to establish that the appellant was engaged in the post by following the applicable recruitment rules. Therefore, such engagement cannot be held to be legal, and no direction for regularization of such engagement can be issued.

Considering this aspect, the learned Single Judge has rightly declined to accept the petitioner's contention.

We do not find any infirmity in the impugned decision.

Accordingly, we find no justification to interfere with the appeal.

In view thereof, the appeal and its connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)