

27.04.2026
Sl. No.762(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 10553 of 2020

Bappa Bairagi & Ors.

Versus

The State of West Bengal & Ors.

Mr. Subir Sanyal, Id. Sr. Adv.
Mr. Anindya Bose,
Mr. Mridul Biswas,
Ms. Cardina Roy,
Ms. Raina Das

...for the Petitioners.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya

...for the DPSC,
North 24-Parganas.

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Suman Dey

...for the State.

1. Report in the form of affidavit filed by the respondent No.7, Chairman, District Primary School Council (*in short DPSC*), North 24-Parganas is taken on record. Copy served.
2. Mr. Subir Sanyal, learned Senior Advocate for the petitioners submits that his clients do not intend to file any exception to the report.
3. By the present writ petition, the petitioners seek for approval of the panel for different categories and to issue letter of appointment to the petitioners within a specified period in respect of recruitment process of 2009 undertaken by the DPSC, North 24-Parganas.

4. Mr. Sanyal, learned Senior Advocate appearing for the petitioners, at the very outset, indicates that some of the petitioners have already been granted appointment. The prayer in the instant writ petition is confined to the petitioner Nos. 2, 5, 6, 11, 12, 13, 14, 16 and 19.
5. The aforementioned petitioners contend that they all participated in the recruitment process of 2009 and were successful in the written examination. The petitioners were called for interview. However, since the panel was not published, the petitioners have approached this Court seeking appropriate relief.
6. Mr. Sanyal, learned Senior Advocate appearing for the above petitioners submit that this Court in *Kakali Mondal & Ors. versus The State of West Bengal & Ors.* (*In Re: WPA 20966 of 2022*) passed orders directing for issuance of appointment letters to the candidates who were called for interview in the recruitment process of 2009 and have filed writ petitions until 24th April, 2024. The petitioners qualify the twin conditions. He seeks for similar benefit upon issuance of appointment letters in favour of the petitioners. In his usual fairness, Mr Sanyal, indicates that in a subsequent order passed in *Joyanti Saren versus The State of West Bengal & Ors.* (*In Re: WPA 8094 of 2022*) the Co-ordinate Bench of this Hon'ble Court has observed that no further writ petitions in recruitment process of 2009 conducted by the DPSCs, Malda, North 24-Parganas and Howrah shall be entertained beyond 31st July, 2024 even if the writ petitions are filed within the

cut-off dates. Since other candidates who satisfied the twin conditions of the order dated 25th April, 2024 has been given appointment, the above observation would amount to discrimination to the petitioners who are also similarly circumstanced.

7. Mr. Bhaskar Prasad Vaisya, learned Advocate appearing for the DPSC, North 24-Parganas concedes that the petitioners are similarly circumstanced and they satisfy the twin conditions. He also submits that there are existing vacancies.
8. By order dated 25th April, 2024, upon observing irregularities and improprieties in the recruitment process of 2009, the Co-ordinate Bench in WPA 20966 of 2024 (*Kakali Mandal & Ors versus The State of West Bengal & Ors*) alongwith batch of other writ petitions, issued the following direction:

“13. In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct the all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 24th April, 2024, shall be entitled to appointments against existing or future vacancies.”

9. It is not in dispute several candidates who satisfied the twin conditions approached the Court and they were extended the benefit of order dated 25th April 2024. The petitioner Nos. 2, 5, 6, 11, 12, 13, 14, 16 and 19 are similarly circumstanced as of the candidates who have already been extended the benefit in terms of order of the Co-ordinate Bench of this Court. Indisputably,

these petitioners were called for interview and the instant writ petition was filed on 11th December, 2020. Thus, petitioner Nos. 2, 5, 6, 11, 12, 13, 14, 16 and 19 fulfils the twin conditions of order dated 25th April, 2024 as above.

10. Accordingly, petitioner Nos. 2, 5, 6, 11, 12, 13, 14, 16 and 19 are entitled to the benefit of order dated 25th April, 2024 passed in *WPA 20966 of 2024 (Kakali Mandal & Ors versus The State of West Bengal & Ors)* alongwith batch of other writ petitions. The petitioners shall be entitled to appointment in the same terms and conditions as mentioned in the aforesaid order.
11. The entitlement of the petitioners to appointment is subject to fulfillment of all other criteria and subject to scrutiny of their documents by the DPSC, North 24-Parganas.
12. In paragraph no. 5 of the decision in *Joyanti Saren (supra)*, it has been observed by the Co-ordinate Bench of this Court that no writ petition shall be entertained beyond 31st July, 2024 even if the writ petitions are filed within the cut-off dates mentioned in the order. Be that as it may, it is relevant to note that the petitioner in the said writ petition was made entitled to appointment since she satisfied the twin conditions in the earlier order of the Co-ordinate Bench of this Court on 25th April, 2024 in *Kakali Mandal (supra)*. The petitioners herein also satisfy the twin conditions of the said order. With utmost humility this Court is of

the opinion that there cannot be any plausible ground for denying the similar benefit to the petitioners herein.

13. With the aforesaid direction, the writ petition being **WPA 10553 of 2020** stands disposed of.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)