

17.03.2026
Sl. No.11
tkm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 331 of 2026

[Bibhash Dhar -Vs- State of West Bengal & Ors.]

Mr. Ajay Singhal
Ms. Heena Yasmin Shaikh
Ms. C Dey
Ms. P Khaitan

... .. for the petitioner

Ms. Bedashruti Bose
Mr. Sandip Guha Roy

... for the State

1. The affidavit of service is taken on record.
2. The petitioner has preferred the present writ petition, alleging inaction on the part of the respondents in not considering and disposing of the petitioner's representation in terms of para 47 of the judgment delivered by the Hon'ble Supreme Court in Civil Appeal no 004800/2025 **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.** dated 03.04.2025.
3. Learned counsel for the petitioner submits that the petitioner was appointed to the post of Programme Assistant under MGNREGA under respondent no. 5 vide memo no. 709/MGNREGA dated 10.10.2017.
4. It is submitted that during the continuance of such employment, the petitioner appeared in the Regional Level Selection Test (RLST), 2016 Examination conducted by the West Bengal Central

School Service Commission and was selected for the post of Clerk, (Gr.-C, Non-Teaching Staff). After such selection, the petitioner resigned from the post of Programme Assistant on 03.04.2018 and thereafter joined Volka High School (HS), Alipurduar on 11.04.2018.

5. Learned counsel for the petitioner further submits that the selection process of the Regional Level Selection Test and State Level Selection Test 2016 was subsequently challenged and the Hon'ble Supreme Court in the above-mentioned judgment quashed the entire selection process.
6. It is submitted that in terms of para 47 of the said judgment, the Hon'be Supreme court directed that the candidates who were previously working in government departments and had joined pursuant to the impugned selection process, may apply for consideration for restoration of their previous posts and that such application shall be decided within a stipulated time.
7. Learned counsel for the petitioner submits that the petitioner, being eligible and fulfilling the requisite criteria, made an application in terms of paragraph 47 of the said judgment dated 03.04.2025 to the respondent no.5, seeking resumption to the Post of Programme Assistant under MGNREGA. The said application was submitted on 17.04.2025 along

with all relevant documents through e-mail and was thereafter physically submitted on 21.04.2025 at the office of the respondent no.5. However, according to the petitioner, no decision has been taken by the respondent authorities on the said application till date.

8. Learned counsel for the respondent authorities submits that the competent authority, namely respondent no. 3 has no objection if the representation of the petitioner is considered and decided in accordance with law and in terms of direction of the Hon'ble Supreme Court.
9. Learned counsel for the petitioner submits that the petitioner shall be satisfied if the said representation is considered and decided by the competent authority by passing a reasoned and speaking order within a stipulated time.
10. Having considered the submissions advanced on behalf of the parties and without going into the merits of the claim of the petitioner, the present writ petition is disposed of by directing the respondent no. 3 to consider and decide the petitioner's representation/application, including representation dated 21.04.2025 in accordance with law and in light of paragraph 47 of the judgment of the Hon'ble Supreme court in ***State of West Bengal vs. Baishakhi Bhattacharyya***

(Chatterjee) & Ors., by passing a reasoned and speaking order within a period of eight weeks from the date of communication of this order. However, it is made clear that this court has not expressed any opinion on the merit of the claim of the petitioner and all issues are left open to be decided by the competent authority in accordance with law.

11. With the above directions, the present writ petition stands disposed of.
12. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition shall be deemed to have been denied.

(Gaurang Kanth, J.)