S/L 36
06.10.2026
Court No.04
B.K.N

M.A.T. 484 of 2026
With
CAN 1 of 2026
CAN 2 of 2026

Shyama Prosad Das
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath,
Mr. Subir Hazra
... for the Appellant/Writ Petitioner.

Ms. Amrita Pandey
... for the State.

In Re: CAN 2 of 2026

1. For the reasons stated in the application and without much objection from the respondents, delay of seven days is condoned.
2. Application being CAN 2 of 2026 is allowed.

In Re: M.A.T. 484 of 2026

3. Affidavit of service filed in Court today be taken on record.
4. Heard the learned advocate for the writ petitioner/appellant.
5. He claims that petitioner was appointed as a Clerk in the aided school on 13.02.2002, against a vacancy. He referred to an experience certificate dated 15.02.2016 purportedly signed by the Headmaster of the school to submit that he was continued by the school authorities. He approached the Writ Court seeking approval/regularization of his services.
6. The Learned Single Judge found that the documents enclosed in the writ petition revealed a regular selection

process having conducted in 2010. The petitioner as per averments made in the writ petition did not participate in this selection process. The Learned Single Judge Bench found the writ petitioner's claim to be unsustainable since there was no material whatsoever to sustain his claim regarding his continuity since 2002 till filing of the writ petition, 20 years thereafter.

7. The learned advocate for the appellant submits that since the certificate was issued by a competent authority (Secretary of the school in question) there was no occasion for the Learned Single Judge to doubt the petitioner's existence in the school performing the duties of a Clerk since the year 2002. He, therefore, submits that he was entitled to benefit of the decisions in the case of ***State of Karnataka & Ors. –Vs.- M L Kesari & Ors.*** reported in ***2010 (9) SCC 247***.

8. We have considered the submissions, perused the records.

9. Apart from the certificate dated 15.02.2016 there is no material to sustain the plea raised by the writ petitioner. In fact before filing the writ petition in 2022 petitioner made a representation on 19.11.2019 where he has stated that he was not even being paid his salary and allowances. Due to insufficient material and pleading, the claim of the writ petitioner was not considered by the Writ Court.

10. In view of our consideration above, we find no infirmity in the decision of the Learned Single Judge Bench dismissing his claim.
11. The appeal is dismissed.
12. Pending application, if any, is also dismised.
13. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Anuj Singh, J.)