

Form J(2)
Sl.No. 6
Moumita

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 23381 of 2026

Tarun Kumar Khara
Vs.
The State of West Bengal & Ors.

For the Petitioner

:Mr. Shibaji Kumar Das, Adv.
Mr. Dipendu Sarkar, Adv.

For the Respondent nos. 1 to 5

:Mr. Amit Chakrabarti, Ld. AGP.
Mr. Souvik Sen, Adv.

Heard on

: September 1, 2026

Judgment on

: September 1, 2026

[In Court]

Aniruddha Roy, J. :

1. Upon urgency being pleaded by the petitioner and since the determination of the Regular Bench has been assigned before this Court, the matter has been taken up for consideration.
2. Affidavit-of-service, filed in Court today, is taken on record.
3. Mr. Shibaji Kumar Das, learned Advocate appears for the petitioner with Mr. Dipendu Sarkar, learned Advocate.

4. Mr. Amit Chakrabarti, learned Additional Government Pleader appears for the Respondent nos. 1 to 5 with Mr. Souvik Sen, learned Advocate.
5. The writ petitioner is the lecturer in Civil Engineering Department at North Calcutta Polytechnic College. Petitioner sought for permission to pursue his Master Degree in engineering. Permission was not granted and the application of the petitioner was rejected by the Polytechnic College under the impugned communication dated **August 19, 2026 Annexure p-12 at page 59** to the writ petition and also under the impugned communication dated **August 22, 2026 Annexure p-15 at page 68** to the writ petition. The finding of the authority was as under:

'With reference to above, following points may kindly be perused:-

i) The G.O. No. 1/673174/2025 dated 31.07.2025 states " The incumbents will be deputed for higher study up to the age of 55 years. Relaxation will be given for a maximum of 2 years on the merit or individual application received, if any". (Copy attached)

ii) As per the office records, the date of birth of Sri Tarun Kumar Khara is 17.01.1968. So his present age is more than 58 years and 06 month.

iii) Therefore, the eligibility criteria for allowing Sri Tarun Kumar Khara for higher study as per G.O No. 1/673174/2025 dated 31.07.2025 is not fulfilled.

Hence, the application submitted by Sri Tarun Kumar Khara through Polytechnic Portal in connection with the subject mentioned above has not been forwarded further from PIC's end

and reverted back to Sri Tarun Kumar Khara.'

6. Referring to a State Notification dated **February 25, 2021 at page 34** to the writ petition, petitioner submits that, the age of superannuation of the petitioner has been enhanced from 60 to 65. The Government order dated **July 31, 2025 at page 60** to the writ petition, referred to by Mr. Amit Chakrabarti, learned Additional Government Pleader for the State shows that, previously the aspirant was allowed up to 50 years to apply for higher studies but subsequently it was modified and the age was enhanced to 55 years, with relaxation for a maximum of two years on the merit of individual applications.
7. On a close scrutiny of the said impugned communications dated **August 19, 2026** and **August 22, 2026** under which permission was rejected, it appears to this Court that, the petitioner being **58 years 6 months old** at present, the permission was rejected.
8. On behalf of the petitioner West Bengal Service Rules has been referred to **Annexure p-18 at page 82** to the writ petition and it is submitted that, who is due to retire or has the option to retire from the Government service within three years of the date on which is expected to return to duty after the expiry of the leave shall not ordinarily be granted study leave.
9. On a *prima facie* scrutiny of the impugned rejection, it appears to this Court that, all these facts with the relevant notification and rules were

not placed before the authority while taking a decision rejecting the permission in favour of the petitioner. All the relevant rules and the Government orders and memoranda are required to be considered by the authority to come a final decision on the issue, since the carrier with an intention of higher studies of the petitioner is involved with consequential service benefits.

10. It is made clear that, this Court has not expressed any opinion on the policy decision of the state at this stage.
11. This Court is also of the considered view that, the issue needs to be revisited once again, on the basis of all the existing relevant materials.
12. Accordingly following directions are made :

*(a) The impugned decisions dated **August 19, 2026 Annexure P-12 at page 59** and **August 22, 2026 Annexure p-15 at page 68** to the writ petitioner stand **set aside** and **quashed**.*

*(b) **The Principal of the concerned Polytechnic College** upon issuing **three days** prior notice to the petitioner and after affording him an opportunity of hearing shall decide the issue on the basis of the documents and records in the writ petition as also if any, other records are existing on the issue including relevant policy decisions of the State and shall pass a reason order in accordance with law.*

*(c) The entire exercise shall be carried out and completed by the principal positively **within a week** from the date of the first hearing.*

*(d) The reasoned order shall be communicated to the petitioner **within next two working days** from the date of the said reasoned order to be passed.*

13. The petitioner shall be entitled to attend the hearing along with an authorised representative.

14. In the event, the reasoned order goes in favour of the petitioner, the appropriate authority/authorities shall take all necessary and consequential steps to give an immediate effect thereto, but positively **within next seven days** from the date of the communication of the reasoned order to such appropriate authorities.

15. It is made clear that, this Court has not expressed any opinion on the merits of the claim of the petitioner including the validity of the SOP in terms of **prayer – (b)** to the writ petition.

16. It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is otherwise not eligible to receive his claim strictly in accordance with law.

17. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

18. With the above observations and directions, this writ petition, **WPA 23381 of 2026** stands **disposed of**, without any order as to costs.
19. Parties shall be at liberty to take steps on the basis of the server copy of this order after the same being obtained from the Official Website.

(Aniruddha Roy, J.)