

09.07.2026
Item No.2, DL
Court No.18
AJ.

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

W.P.A. 13129 of 2026

Suman Das & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Sayan Banerjee,
Ms. Suparna Dutta,
Ms. Tusi Naskar.

....for the petitioners.

Mr. Lokenath Chatterjee,
Ld. Jr. Standing Counsel,
Ms. Sneha Chatterjee.

...for the State.

1. Affidavit of service filed on behalf of the petitioners be kept with the record.

2. The petitioners are aggrieved that the Notification No. 192-IT/06/2020/P&AR-e-Gov dated 16th October, 2020 the scope whereof was enlarged by the Memorandum No. HF/O/GA/1481/W-63/2022 dated 31st May, 2022 has not been extended to the petitioners, in spite of the petitioners being eligible. This issue was raised by the petitioners in a prior writ petition being WPA 1347 of 2026, which was disposed of by directing the respondent no.2 therein to consider the petitioners' representation in accordance with law.

3. The representation has been disposed of by the order dated April 06, 2026, which is under challenge in the present petition.

4. Mr. Banerjee, learned Advocate appearing for the petitioners submits that the only ground for rejection is that the petitioners were not engaged before the Notification No. 192-IT/06/2020/P&AR-e-Gov dated 16th October, 2020 and are thus ineligible to get the benefit of the extended service as stipulated in the Notification dated 31st May, 2022.

5. Mr. Chatterjee, learned junior Standing Counsel appearing for the Authority submits that it is not so much the ineligibility of the petitioners on account of their date of employment, but more because the Notification dated May 31, 2022 limits its application to contractual IT personnel who were working in various establishments under the Department of Health and Family Welfare and were engaged through WEBEL of WTL or similar agencies or directly by the department. The petitioners being engaged through a private body namely M/s. G.A. Digital Web Ward Private Limited do not fall within the domain of the Notification dated May 31, 2022. Hence, the order has proceeded to rightly reject the representation made by the petitioners.

6. I have heard learned Advocates for the parties and considered the documents on records.

7. The order of rejection of the petitioners' representation by the concerned Deputy Secretary dated April 06, 2026 proceeds to reject the petitioners' application solely on the ground that the petitioners had not been appointed prior to 2020 on account whereof they were ineligible to get the benefits afforded by the Notification dated May 31, 2022. A passing reference is made to the introductory clause of the aforestated notification without there being any deliberation as to why or how the petitioners were disentitled from the benefits thereunder.

8. Though Mr. Chatterjee has strenuously argued points which do not find any mention in the impugned order and thus such supportive statements and/or arguments of Mr. Chatterjee cannot be extended to the order impugned, it has to be construed that the only ground for rejection of the application is the ineligibility of the petitioners on the ground of appointment prior to 2020. Even as similarly situated persons, i.e. persons appointed prior to 2020 have been given the benefits under the Notification dated May 31, 2020, there is not a word in the impugned order as to why such persons have been treated differently, thereby creating a discriminatory practice.

9. The impugned order is ex facie, erroneous and is thus set aside.

10. The respondent no.2, the Principal Secretary of Health and Family Welfare Department, Government of West Bengal is directed to consider the representation of the petitioners dated October 09, 2025 afresh, without in any manner being influenced by the order dated April 06, 2026, which has been set aside.

11. The entire process should be completed by August 31, 2026 upon giving the petitioners a hearing through one of their unauthorized representatives. The resultant reasoned order will be communicated to the petitioners by September 10, 2026.

12. With these aforestated directions, the writ petition being WPA 13129 of 2026 is disposed of. There shall be no order as to costs.

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

(Reetobroto Kumar Mitra, J.)