

27.07.2026
Court No.652
Item No.15
pk

WPA 9825 of 2021

Prabir Dey Sarkar and others
Vs.
North Bengal State Transport Corporation and others

Mr. Kamalesh Bhattacharya,
Mr. Rezaul Hossain,
Mr. Anirban Saha,
Mr. Parvez Hossain

...for the petitioners.

Ms. Debdooti Dutta

... for the N.B.S.T.C.

1. In spite of due and completed service, none appears for the State. Ms. Debdooti Dutta appears for the NBSTC.
2. Affidavit of service filed in Court is taken on record.
3. Eight petitioners have filed the instant writ petition to pray for the relief, inter alia, that their contractual appointment with the respondent/North Bengal State Transport Corporation, under died-in-harness category, be regularized.
4. Mr. Bhattacharya, learned advocate appears for the petitioners. He has referred to the facts that the petitioners have undergone a full-fledged interview process and have been inducted in service only after satisfaction of the authority as regards their eligibility and capacity to discharge duties. He further submits that in terms of appointment letter dated 17.02.2009, the petitioners have been appointed on contractual basis though since then each one of them have been

engaged in perennial nature of job with the said respondent. It is submitted further that the contractual appointment of the petitioners have been extended by the respondent authority from time to time and till now they are serving the respondent in the similar capacity.

5. Mr. Bhattacharya, has also referred to the judgment of the Hon'ble Co-ordinate Bench of this Court and the judgment of Hon'ble Division Bench of this Court approving the finding of the Hon'ble Co-ordinate Bench, that the said respondent/North Bengal State Transport Corporation should regularize the service of the contractual employee who have been engaged for years together in perennial nature of job with the same.
6. Upon careful consideration of the judgments referred to the petitioners, of the Division Bench in **FMA 3642 of 2015 (Riya Bhadra and others Vs. North Bengal State Transport Corporation and others)** dated 15.07.2026 and judgment of the Single Bench in **WPA 18203 of 2015 (Sudip Adhikari and others Vs. North Bengal State Transport Corporation and others)** dated 22.06.2026 and the factual aspect of the instant case, this Court finds that the present writ petitioners are similarly circumstanced with the petitioners as mentioned above and should be treated as covered by the decision of the Court in the writ petition and the appeal as mentioned above.

7. In the instant case, admittedly, the writ petitioners have been engaged for years together to serve the respondent/Corporation continuously and without any break. It is also admitted and on record that the petitioners have been assigned to discharge perennial nature of duties, which form part of essential discourse of the respondent/Corporation. Therefore, it is easily conceivable that, without the job as has been discharged by the petitioners throughout the entire period of their engagement with the respondent/Corporation, the basic functioning of the respondent would have been disrupted. In such a circumstance, the Hon'ble Division Bench in the judgment as referred to above, has emphatically discussed to rely on the ratio decided in the judgment by the Supreme Court in ***Jaggo Vs. Union of India and Others*** arising out of ***SLP (C) No. 11086 of 2024***. The factual background of the cases remaining same, this Court has no hesitation to find that the ratio decided in ***Jaggo's case (supra)*** as well as that of ***Riya Bhadra (supra)*** by the Division Bench of this Court are squarely applicable in the instant case.
8. Therefore, on the basis of the facts and circumstances as narrated above, the instant writ petition should succeed with the directions that the present writ petitioners should be treated by the Respondent nos. 5 and 6 and also the respondent nos. 1 to 4, in terms of

directions passed by the Hon'ble Division Bench in FMA 3642 of 2015 vide order dated 15.07.2026.

9. Let necessary steps be taken by the said respondent authorities in terms of this order within a period of four weeks from the date of communication of a copy of this order.
10. In view of the above, WPA 9825 of 2021 is disposed of.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)