

2025 LiveLaw (SC) 692

IN THE SUPREME COURT OF INDIA

SANDEEP MEHTA; J., JOYMALYA BAGCHI; J.

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).29533/2025; 24-06-2025

ANUPAM CHAKRABORTY *versus* THE STATE OF WEST BENGAL & ORS.

Public Prosecutor – Regularisation of Contractual Appointment – No statutory or constitutional right to regularisation when appointment adheres to structured procedure under CrPC, 1973 and State Rules –The petitioner, an Additional Public Prosecutor appointed on a contractual basis, sought regularisation through a writ petition, which the High Court dismissed. The petitioner had previously requested continuation in contractual capacity for livelihood. The Supreme Court found no error in the High Court's decision, as the petitioner failed to establish any legal right to regularisation. SLP dismissed, upholding High Court's rejection of writ petition.

(Para 3)

[Arising out of impugned final judgment and order dated 29-01-2025 in WPST No.175/2024 passed by the High Court at Calcutta]

For Petitioner(s): Mr. C.M. Jha, Adv., Ms. Nisha Thakur, Adv., Mr. Draksha Khan, Adv., Mr. Krishnam Mishra, AOR

ORDER

1. Delay condoned.
2. Having heard and considered the arguments advanced by the learned counsel for the petitioner and after going through the impugned judgment, we are of the view that the High Court committed no error whatsoever in rejecting the Writ Petition filed by the petitioner seeking a direction for being regularised on the post of Additional Public Prosecutor. It may be stated that the petitioner himself had been requesting the learned District Magistrate, Purulia to continue him in contractual capacity so as to earn livelihood.
3. The petitioner has not been able to establish any right either statutory or constitutional so as to deserve the relief of regularisation. The appointment of Additional Public Prosecutors is a structured procedure as provided under the Code of Criminal Procedure, 1973 and the relevant Rules prevalent in the particular State. Thus, a claim for regularisation of a person working on the said post on contractual basis cannot be entertained as such relief would be contrary to law.
4. In this view of the matter, the special leave petition lacks merit and is dismissed as such.
5. Pending application(s), if any, shall stand disposed of.

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