

ORDER SHEET

WPO 395 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TARUN KUMAR MONDAL
VS.
HIGH COURT AT CALCUTTA & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 11th December, 2020

Mr. Sanjay Mukherjee, Advocate for the petitioner.

Mr. Sukanta Chakraborty, Advocate for the respondents .

The Court : A Judicial Officer has filed this writ petition praying for promotion in the post of Additional District & Sessions Judge, Fast Track Court with effect from 2018. This is the third writ petition filed by the petitioner urging his prayer.

The facts of this case are set out in details in the order dated 28th June, 2019 passed in W. P. 298 of 2019 filed by the petitioner. A direction was passed in that matter for consideration of the representation made by the petitioner on 19th January, 2019 in accordance with law.

By a communication dated 25th July, 2019 the petitioner was intimated that since the issue whether the High Court would recommend formulating a rule for effecting temporary promotion in the interest of better

administration of justice is yet to be addressed, consideration of his representation is deferred. The petitioner challenged the same by filing a further writ petition being W. P. 613 of 2019. By an order dated 17th December, 2019, a direction was passed for filing affidavits in the matter.

Presently the petitioner is aggrieved by the communication dated 2nd September, 2020 wherein he has been intimated about the rejection of his representation that was pending consideration.

According to the petitioner, the impugned order is an unreasoned one, and on the face of it the same is liable to be rejected. The petitioner prays for a direction to permit him to participate in the selection process for the year 2020, in the event, his prayer for consideration of his case in terms of the 2018 result is not allowed.

The selection process initiated for filling up the vacancies in the year 2019 included all the vacancies which were carried forward from the year 2018. The 2018 vacancies merged at the time of publication of the selection notice for the year 2019. Similarly, the vacancies for the year 2019 merged with that of the year 2020.

The petitioner was made aware of the rejection of his prayer on 2nd September, 2020 and he was advised to participate in the selection process for the current year. The petitioner deliberately refrained from participating in the selection process and held on to his claim arising from the year 2018.

In view of the dictum passed by the Hon'ble Supreme Court there is no scope for keeping the vacancies unfilled for years together. Since all the vacancies have been merged in the present selection process, there is no scope for the petitioner to lay his claim arising from the year 2018. The

petitioner ought to have participated in the selection process had he been truly interested in promotion.

It has been submitted in Court that the viva voce in respect of the present selection is also over. At this stage no relief can be granted to the petitioner.

In view of the above, the instant writ petition being WPO 395 of 2020 stands dismissed.

In view of the dismissal of the present writ petition, the earlier writ petition being W. P. 613 of 2019 becomes infructuous. The same is treated as on the day's list and is also dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of all usual formalities.

(AMRITA SINHA, J.)