

26.09.2022
DL-12
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20348 of 2022

Anup Bhowmik & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Apurba Kumar Ghosh,
Ms. Annyasha Chakraborty
....for the petitioners.

Mr. Raja Saha,
Ms. Piyali Sengupta
....for the State.

Mr. Ram Mohan Pal
....for the respondent nos.1 & 2.

Mr. Tapabrata Bhattacharya
....for the respondent no.8.

Mr. Suman Basu
....for the respondent no.5.

Leave as prayed for is given to correct the cause-title in respect of the address of the private respondent no.11 in the present writ petition.

The petitioners claim to have been appointed to various posts at the office of the learned Judge's Court at Howrah. The petitioners claim that pursuant to the rules which came into effect from July 06, 2021, the promotion from the posts of Nazir/Head Clerk-cum-Translator/Accountant/Cashier/equivalent posts and also promotion from Sheristedar, Grade – III were only on the basis of seniority. The petitioners have been arbitrarily discriminated by a circular dated July 13, 2022

whereby the final gradation list of the clerks under the Judgeship of Howrah was published. The private respondent nos.10 and 11 who were below the rank of the petitioners in the seniority list were promoted.

Mr. Ghosh, learned counsel, appearing on behalf of the petitioners pray for consideration of the representation dated August 18, 2022 on the ground that there is no reservation in the circular dated July 6, 2021 and therefore, the respondent nos.10 and 11 could not have been promoted in the SC category since they were way below in the seniority list that has been published on July 13, 2022.

Ms. Sengupta, learned counsel appears for the State/respondent.

Mr. Pal, learned counsel appears for the District Judge, Howrah/respondent nos.1 and 2 submits that appointment of both the private respondents referred to by the petitioner are in the reserved category.

Having considered the rival submissions of the parties and materials placed on record, I direct the learned District Judge, Howrah/respondent no.2 to consider the representation of the petitioners dated August 18, 2022 in the light of the notification dated July 6, 2021 vide No.91-JL, Kolkata, West Bengal, District Court Rules (Constitution of Service, Recruitment, Appointment, Probation and Discipline

of Employees), 2015. The representation is to be considered within 8 weeks from date upon giving personal hearing to the petitioners. The said representation is to be disposed of with a reasoned order. Such reasoned order shall be communicated within 2 weeks from the date of the order.

Since no affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted.

With the directions aforesaid, the writ petition, being **WPA 20348 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)