

OD-3

ORDER SHEET
WPO No.2221 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MALI BANDYOPADHYAY
Vs.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 8th June, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Amrita De, Adv.
..for the Petitioner.

Mr. Ranajit Chatterjee, Adv.
Mr. Arijit Dey, Adv.
...for KMC.

Mrs. Sipra Majumder, Adv.
Mrs. Debarati Sen (Bose), Adv.
..for the State.

The Court:- The petitioner is serving as Assistant Manager (Systems) of IT Department of the Kolkata Municipal Corporation. She is a reserved category candidate. She claims that one post is vacant for Deputy Manager (Systems) of IT Department reserved for SC candidate. The petitioner is due to retire from service on attaining her normal age of superannuation in August, 2022.

She prays that her candidature may be considered for promotion to the said post of Deputy Manager (Systems) of IT Department.

The petitioner made representation before the Municipal Commissioner and Chief Manager (Personnel) of the Kolkata Municipal

Corporation on 26th March, 2022. As the representation was not taken up for consideration a notice demanding justice was served by the petitioner's Advocate on 12th April, 2022.

The petitioner prays for a direction upon the respondent authority to consider the representation filed by her. According to the petitioner, she has the eligibility criteria for being promoted to the post of Deputy Manager (Systems) of IT Department.

As it appears that the representation filed by the petitioner seeking promotion is pending consideration at the end of the respondent authority, accordingly, the instant writ petition is disposed of by directing the Municipal Commissioner of the Kolkata Municipal Corporation to take steps for consideration of the prayer of the petitioner for promotion to the post of Deputy Manager (Systems) of IT Department strictly in accordance with law, at the earliest, but positively within a period of six weeks from the date of communication of this order.

It will be open for the Municipal Commissioner to delegate the matter to the appropriate authority for taking a decision in response to the prayer made by the petitioner seeking promotion. The said authority shall consider the representation and pass a reasoned order within the period as stipulated hereinabove and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

Leave is granted to the petitioner to file comprehensive representation along with all documents in support of her prayer for promotion to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition is disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)