

Form No. J.(2)
Item No.2
Ct. No. 7

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 24.08.2023 & 25.08.2023

DELIVERED ON: 25.08.2023

CORAM:

**THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
W.P.A. 8294 of 2017**

**Arunangsu Chakraborty
Vs.
State of West Bengal & Ors.**

Appearance:-

**Mr. Anuranan Samanta
Mr. Arpan Sinha**

.....for the petitioner

**Mr. Siddhartha Banerjee
Ms. Anam Zafar**

.....for the High Court Administration

**Mr. Santanu Kr. Mitra
Mr. Amartya Pal**

.....for the State

Mr. Suman Basu

.....for the respondent no. 10

JUDGMENT

(Judgment of the Court was delivered by HIRANMAY BHATTACHARYYA, J.)

1. The petitioner has prayed for quashing of the order dated June 29, 2016 of the learned District Judge, Burdwan and for issuance of a writ in the nature of mandamus allowing the petitioner to switch over to Schedule-'A'

post and to direct incorporation of his name in the gradation list of Schedule-‘A’ English Stenographers.

2. Pursuant to an advertisement published in the year 2007 by the Public Service Commission (for short ‘P.S.C’) for recruitment examination 2007 for the post of English Stenographers, petitioner participated in the said examination. Petitioner was appointed as Stenographer/P.A. in the office of the learned District Judge, Burdwan which falls under Schedule-‘B’ category. Petitioner claims that when he applied for appointment to the post of English Stenographer, in the application format, it was specifically indicated that his first preference is that of posts under Schedule-‘A’ category.
3. Petitioner applied for switching over to the ‘A’ Scheduled post under any Secretariat office on October 14, 2015. The petitioner is aggrieved for non-consideration of his prayer for switching over to the Schedule-‘A’ post by the concerned authorities.
4. The learned advocate appearing for the petitioner submits that since the petitioner indicated his preference for appointment in posts under Schedule-‘A’, the authorities ought to have allowed the petitioner to switch over to Schedule-‘A’ post from Schedule-‘B’ post in which he was appointed in the year 2008. The learned advocate for the petitioner further contends that petitioner raised objections against the draft publication of the gradation list but the authorities without considering such objection published the final gradation list.
5. Mr. Mitra, learned advocate representing the State submits that the petitioner was initially appointed under Schedule-‘B’ post. He accepted

such appointment. Thereafter, the petitioner was promoted to Grade-II English Stenographer from Grade-III English Stenographer, which was also accepted by the petitioner. Petitioner was ultimately promoted to Grade-I English Stenographer, which has also been accepted by the petitioner. He submits that the petitioner at this point of time cannot be allowed to switch over to Schedule-‘A’ post from Schedule-‘B’ post.

6. Mr. Banerjee, learned advocate representing the High Court administration submits that the grievance of the petitioner is directed against the P.S.C., who recommended the name of the petitioner for being appointed to Schedule-‘B’ post. He further submits that no allegation has been made in the writ petition against the High Court administration, which, according to Mr. Banerjee, will be evident from the submissions made by the learned advocate for the petitioner.
7. The learned advocate representing the 10th respondent submits that no allegation has been made against the 10th respondent.
8. Heard the learned advocates for the parties and perused the materials placed.
9. It is evident from the materials on record that P.S.C. recommended the petitioner for appointment to the vacant post of English Stenographer (Schedule-‘B’) on September 8, 2008. Thereafter the petitioner was interviewed on September 24, 2008 and after verification of his certificates and testimonials, he was appointed in the post of Schedule-‘B’ English Stenographer in the office of the District Judge, Burdwan. Petitioner accepted such appointment in the year 2008.

10. In terms of G.O. No. 5144-J dated July 20, 2009 and G.O. No. 5145-J dated July 20, 2009 issued as per the directions of the Hon'ble Supreme Court passed on February 11, 2009 for implementation of the recommendations of Shetty Commission, the posts of Stenographers/Personal Assistants of the District Judiciary were classified into 3 grades. The name of the petitioner was published in List B containing the names of Stenographers-Grade-II vide Office Order No. 30(M) dated July 30, 2012 issued from the office of the District Judge. Petitioner was classified as Stenographer Grade-II with effect from January 1, 2011. Thereafter the name of the petitioner was published in the proposed gradation list as on January 1, 2003 to December 31, 2013 in respect of Stenographers/Personal Assistants of Burdwan Judgeship and the name of the petitioner was appearing under serial no. 41.
11. In the office memorandum dated March 21, 2014, opportunity was given to the staffs to submit their objections and views against the said proposed gradation list. However, it does not appear from the records that the petitioner raised any objection or tendered his views against the proposed gradation list. Thereafter, the process for promotion of the Stenographers in the cadre of Stenographer Grade-I was initiated and the name of the petitioner was included under serial no. 8, as would be evident from the Order No. 119 (G) dated May 30, 2016. The petitioner was promoted to the cadre of Stenographer Grade-I vide Office Order No. 28(M) dated June 28, 2016.
12. It is not in dispute that the petitioner accepted the promotion to Grade-II English Stenographer and thereafter to Grade-I English Stenographer. In

spite of being afforded opportunities to raise objection/tender views against the proposed gradation list, the petitioner did not raise any objection at the relevant point of time. It further appears from the letter dated June 22, 2016, which is annexed at page-60 of the affidavit in opposition that the petitioner expressed his willingness for promotion to the cadre of Stenographer/P.A. Grade-I of the District Judgeship of Burdwan.

13. From the representation dated June 10, 2016 it appears that the petitioner prayed for enlistment of his name in the State Gradation List.
14. It is too late in the day for the petitioner to turn around and contend that the petitioner was not recommended for the post under Schedule-‘A’. Therefore, the prayer of the petitioner to switch over to Schedule-‘A’ post at this point of time cannot be allowed. The decision of the District Judge dated June 29, 2016 insofar as the publication of the gradation list is concerned, is a reasoned one and no interference is called for by this Court sitting under Article 226 of the Constitution of India.
15. For all the reasons, as aforesaid, this Court is not inclined to grant any relief in favour of the petitioner. Accordingly, the writ petition stands dismissed.
16. There shall be, however, no order as to costs.
17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)