

26.6.2023

ap
07

WPA 7565 of 2022

Vivek Das
Vs.
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Trisha Rakshit
Ms. Rajashree Tah
... For the petitioner.

Mr. Amitava Chaudhuri
Ms. Monoleena Chaudhuri
Mr. N. Roy
Mr. D. Basu
... For the University.

Mr. Shekhar Barman
Mr. Rohit Prasad
... For respondent nos. 5.16.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... For the State.

This writ petition has been heard on a number of occasions.

It will be apparent from the order dated February 27, 2023 passed by this Court that the petitioner sought to contend before this Court that the university agreed to promote the petitioner prospectively with effect from 2022, while the other similarly circumstanced employees had been granted promotion from September 27, 2010, by giving retrospective effect.

Pursuant to the orders passed by this Court, the university has ultimately filed an affidavit affirmed on April 05, 2023. The said affidavit makes it clear that no Group 'D' staff was given promotion with retrospective effect. The university adopted a policy to promote all Group 'D' staff of the university in one go in the year 2021 notwithstanding their seniority in service. It further appears that at least seven Group 'D' staff members, senior to the petitioner, were given promotion from the year 2021, while five Group 'D' staff members junior to the petitioner were also given promotion from the same year.

The basic allegation of retrospective promotion has been found to be without any basis. This Court is not inclined to go into any other aspects of the matter since the petitioner has not been prejudiced due to the act of the University.

The petitioner will be at liberty to accept the promotion as Group 'C' staff with effect from the year 2021 as has been accepted by the other Group 'D' staff members of the university.

Learned advocate appearing for the petitioner, however, submits that two individuals namely, Ramashray Rai and Jagannath Chakraborty had been given promotion with retrospective effect from the year 2010.

Since the said two persons have not been impleaded in this writ petition as parties, I am not inclined to examine the said issue.

Accordingly, **WPA 7565 of 2022** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)