

**CAN 4578/2018
in
WPA 13353 of 2017**

**Sk. Majibar Rahaman
Vs.
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharya,
Md. Mojnu Sk.

...for the Petitioner

Ms. Nandini Mitra

...for the University

The petitioner was initially appointed as a Laboratory Assistant at the Institute of Jute Technology, Kolkata. The said institution was converted into the Technology Department of the University of Calcutta by an office order dated May 25, 2011 and was subsequently renamed as Department of Jute and Fiber Technology.

It is not in dispute that the petitioner was allowed to continue as an employee of Calcutta University as a Junior Technical Assistant.

The petitioner has filed this writ petition claiming, inter alia, for his status as Technical Assistant Grade-II and consequential promotion to the post of Technical Assistant Grade I. It appears that on October 25, 2017, an interim order was passed by this Court to the following effect :

**“Page 42 of the writ petition
contains particulars of two**

Resolutions of the Syndicate of the respondent / University dated 29th December, 2015 and 5th January, 2016. In substance designation of the petitioner now stands to be read as “*Technical Assistant Grade-II*”. Mr. Bhattacharya, learned counsel, submits that such re-designation is yet to be reflected in the official records of the respondent / University qua the petitioner. The second point which arises for consideration in this writ petition relates to the claim of the petitioner for promotion to “*Technical Assistant Grade-I*” from his present position “*Technical Assistant Grade-II*”. With regard to such claim to promotion, Ms. Mitra seeks an opportunity to present a Report on Affidavit on the next date. In the light of the above referred facts this Court is satisfied that the respondent / University has itself resolved to re-designate the petitioner as “*Technical Assistant Grade II*” and, it is expected that the respondent / University shall take steps officially to incorporate such re-designation in its records.”

By filing this application for modification, Ms. Nandini Mitra, learned advocate submits that the petitioner has no requisite qualification to be appointed as a Technical Assistant Grade-II. Therefore, he cannot be designated as Technical Assistant Grade-II in terms of the said order dated October 25, 2017.

Ms. Mitra submits that the university initially on January 15, 2016 resolved to confer the status of Technical Assistant Grade-II in favour of the petitioner, but by a subsequent resolution dated August 9, 2016, it

resolved to confer the said status only after attaining required qualification for the said post by the petitioner.

It appears that for the post of Technical Assistant Grade-II, following qualification has been prescribed by the State by a memo dated April 24, 1979 :

“A degree in the subject or H.S./P.U. plus requisite technical qualification such as L.C.E./ L.M.E./L.E.F./D.L.T.C./ Diploma in Photography or other training of three years duration recognized by the Council of Technical Education.”

It is not in dispute that the petitioner does not possess any technical qualification like L.C.E. / L.M.E. /L.E.F./D.L.T.C./ Diploma in Photography or other training of three years duration.

Mr. Kamalesh Bhattacharya, learned advocate appearing for the petitioner on the other hand submits that some DTP operators, who are attached to a different department under the university, have been given the status of Technical Assistant Grade II, though they do not possess any technical qualification as quoted above.

I am, however, not inclined to hold that the petitioner should be given the benefit of Technical Assistant Grade-II status on the ground that some other university employees attached to a different department have been provided with the said status erroneously. Since the petitioner does not have the requisite qualification for being designated as Technical Assistant

Grade-II, he cannot claim a negative equality.

I am of the view that the order dated October 25, 2017 should be recalled to the extent it directs the university to designate the petitioner as Technical Assistant Grade-II.

Accordingly, **CAN 4578 of 2018** is disposed of.

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In view of the findings as aforesaid, the petitioner is not entitled to the reliefs as prayed for in this writ petition.

Accordingly, **WPA 13353 of 2017** is dismissed.

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

(Kausik Chanda, J.)