

20.06.2023
DL-11
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12643 of 2023

Sri Gopal Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya
...for the petitioners.

Mr. Arjun Roy Mukherjee,
Ms. Saheli Mukherjee
....for the State.

Mr. Saikat Banerjee,
Ms. Juin Dutta Chakraborty
....for the respondent no.2.

The petitioners have challenged a draft gradation list dated March 29, 2023 published by the District Judge, Nadia at Krishnagar.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioners submits that despite being lower in the gradation list that was published on January 1, 2020 and also as on January 1, 2021, several candidates in the unreserved category were promoted to Grade-I Bench Clerk.

The table containing the names is reproduced hereinbelow:-

Grade-I Bench Clerk (No. of post=6)

Sl. No.	Full Name	Qualification	Caste/Religion	Date of Birth	Date of Appointment	Date of Present Promotion/ Appointment	Remarks /Period	Strength categorically
23	Sri Shyamal Kumar Majumdar	B.Sc	UR	02.01.63	01.06.04	12.10.21		1
24	Sri Debabrata Datta	B.Com (H)	UR	12.08.76	11.10.04	01.01.22		2
25	Sri Sudip Dey	B.A. (H)	UR	20.06.75	11.10.04	01.02.22		3
26	Sri Krishna Chandra Nath	B.Com	UR	23.10.68	11.10.04	01.09.22		4
27	Sri Nandalal Sharma	B.Sc	UR	20.07.69	11.10.04	01.11.22		5
28	Sri Niranjana Saha	H.S.	UR	05.01.63	11.10.04	01.01.23		6

Mr. Roy Mukherjee, learned counsel appearing on behalf of the State submits that final gradation list has been circulated prior to giving promotion to the candidates whose names appear from serial nos.23 to 28, who have been promoted to the post of Grade-I Bench Clerk. The petitioners did not raise any objection during such promotion.

Considering the rival submissions of the parties and the materials placed on record, this Court directs the representations/objections raised by the petitioners to be considered by the District Judge, Nadia/respondent no.3 within 6 weeks from date in the event the same is made by proper channel within a week from date. The petitioners will be given an opportunity of hearing prior to disposal of their representations. A reasoned order shall be passed and communicated within 2 weeks of passing thereof.

During the personal hearing, all the necessary parties whose rights may be affected due to the passing of any order while consideration of the representations of the petitioners shall be also given a notice of hearing and be permitted to ventilate their grievances including the ones whose names appear in this order from Serial nos.23 to 28.

With the directions aforesaid, **WPA 12643 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

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.)