

20.06.2023
DL-12
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12648 of 2023

Uttam Hira
Vs.
The State of West Bengal & Ors.

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

Mr. Tapan Kumar Mukherjee, AGP,
Mr. Somnath Naskar
....for the State.

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

The petitioner has 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 petitioner 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 Pritomoy Das		UR	13.04.67	19.01.2000	01.03.19		1
24	Sri Brojogopal Das		SC	26.08.62	01.07.04	01.03.19		2
25	Sri Nanigopal Debnath		UR	14.03.63	01.03.04	20.03.19		3
26	Sri Rabindra-Nath Biswas		SC	21.07.69	19.11.04	01.10.19		4
27	Sri Rajkumar Agarwal		UR	12.01.68	01.06.04	01.11.19		5
28	Sri Surojit Pramanick		UR	08.01.66	01.06.04	01.12.19		6

Mr. Mukherjee, learned Additional Government Pleader 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 petitioner 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 representation/objection raised by the petitioner 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 petitioner will be given an opportunity of hearing prior to disposal of his representation. 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 representation of the petitioner 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 12648 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.)