

210.
12.4.2023
S.D.

**WPA 19024 of 2021
With
CAN 1 of 2023**

**Shabbir Ahmed
Vs.
Union of India & Ors.**

Mr. Victor Chatterjee
Mr. Barnamoy Basak
...for the petitioner.

Mr. D.N. Ray
Mr. Sourav Halder
....for the Respondent Nos. 2 & 3

In this application, the petitioner has prayed for a consideration of his promotion to the post of Assistant Librarian with effect from October 20, 2021 instead of March 2, 2022. The writ petition was filed in November 2021. After the filing of the writ petition, the writ petitioner was promoted to the post of Assistant Librarian with effect from March 2, 2022.

Mr. Basak, learned counsel appearing on behalf of the petitioner submits that the petitioner's promotion to the post of Senior Technical Assistant should be considered retrospectively from October 20, 2016 and his promotion to the post of Assistant Librarian should be considered with effect from October 20, 2021. The petitioner joined the post of

Library Information Assistant on October 20, 2006 with the Asiatic Society/the respondent no. 2.

Mr. Basak draws the attention of this Court to the Recruitment Rules for Administrative and Ministerial posts. He submits that the residency period in the post of Library Information Assistant is 10 years before a candidate can be promoted to the post of Senior Technical Assistant. The residency period in the post of Senior Technical Assistant is 5 years before a candidate can be promoted to the post of Assistant Librarian. He submits that the post of Assistant Librarian can only be filled by way of promotion.

Mr. Ray, learned counsel appearing on behalf of the respondent nos. 2 and 3 submits that the post of Assistant Librarian can be filled by way of direct recruitment in the event there is no available candidate to fill the said post by way of promotion. He refers to Column 10 of the Recruitment Rules.

Considering the submissions of the parties and the materials placed on record, this Court finds that the post of Assistant Librarian can be filled up by way of direct recruitment considering Columns 7 and 10 of the Recruitment Rules. Furthermore, this Court finds that upon completion of 10 years in the post of Library Information

Assistant, the petitioner was eligible to be considered for promotion to the post of Senior Technical Assistant. Upon completion of 5 years in the said post, the petitioner was eligible for being appointed to the post of Assistant Librarian.

Therefore, this Court directs the representation of the petitioner dated November 11, 2022 to be considered by the respondent no. 3/the General Secretary within a period of eight weeks from date upon giving a personal hearing to the petitioner. Such representation shall be disposed of with a reasoned order taking into consideration the Recruitment Rules of the Society, which came into effect from December 1, 1998.

The reasoned order shall be communicated to the petitioner within two weeks of passing thereof.

With the directions aforesaid, **CAN 1 of 2023** and **W.P.A. 19024 of 2021** are **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)

