

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**Present:**

**THE HON'BLE JUSTICE HARISH TANDON  
&  
THE HON'BLE JUSTICE PRASENJIT BISWAS**

**WPST 133 of 2022  
With  
CAN 1 of 2023**

**Buddhadeb Naskar  
Vs.  
The State of West Bengal & Ors.**

**Appearance:**

For the Petitioner : **Ms. Nandini Sharma, Adv.**

Judgment On : **28.04.2023**

**Prasenjit Biswas, J. :**

The instant petition is preferred by the petitioners challenging the impugned order dated 11.11.2022 passed by the Central Administrative Tribunal, Kolkata in OA Case No. 622 of 2022 whereby and where under the Tribunal dismissed the application filed by the petitioner.

The facts giving rise to the instant writ petition are within the narrow compass and are briefly noted hereafter. The present petitioner belongs to reserved category and was appointed in WBAS Cadre in Agronomy discipline

on 05.06.1998 and was confirmed in the service on 06.12.2001. Although the respondent was eligible for promotion to the post of Grade-II WBHAS under Agronomy discipline under reservation policy in 50-point roster but the respondent authority by violating the statutory provision filled the berth by one candidate belonging under the General Category.

As per 50-point roster up to 11<sup>th</sup> vacancy there are four reservations, three for schedule caste candidates i.e., 1<sup>st</sup> vacancy, 7<sup>th</sup> vacancy and 11<sup>th</sup> vacancy and one for schedule tribe i.e., 4<sup>th</sup> vacancy. Two persons were accommodated in 1<sup>st</sup> and 7<sup>th</sup> vacancy and one Dr. Sangeet Sekhar Deb belonging to General category was accommodated in 11<sup>th</sup> vacancy, although at the time of filling up 11<sup>th</sup> vacancy in the year 2007 this petitioner was very much eligible for promotion to Grade II Cadre.

The petitioner was ultimately promoted to WBHAS (Research) Grade II on 26<sup>th</sup> July, 2016 through Notification being No.2518 Estab (Dte)/12A-06/2016 instead of Notification No.2797-Estab (Dte) dated 01.07.2007.

In case of promotion to Grade-I Cadre in Agronomy discipline there are two posts out of which one post is still now vacant. As per 50-point roster the 11<sup>th</sup> vacancy is reserved for schedule caste candidate and that post is still vacant due to promotion of Dr. Probir Kumar Saha (schedule caste candidate) to the post of Joint Director of Agriculture (Research) through a Notification dated 14<sup>th</sup> September, 2022. The unreserved vacant post has already been filled up by Notification dated 9<sup>th</sup> June, 2022.

The petitioner is apprehending that in case of promotion to Grade I Cadre, the reserved berth made for schedule caste candidate may be filled

up by General Candidate. Therefore, the respondent knocked the door of the tribunal with a prayer to direct the petitioners herein to appoint him to the post of West Bengal Higher Agriculture Service (research), Grade-I.

It appears to us that one post reserved for schedule caste candidate in Grade -I Cadre is still vacant and no one has been appointed therein. It is mere apprehension of the petitioner that the said post may be filled up in future by a candidate belonging to General Category. There is no such cogent document or evidence by which it can be presumed that steps have been taken by the respondent authority for filling up the post which is kept reserved for schedule caste candidate by violating any Rules. Court cannot pass any order for apprehension of future happening. A court can only pass orders based on existing laws and the facts presented in a case before it. It cannot pass an order for the apprehension of future events or actions that have not yet occurred. The court can only make decisions based on the evidence presented to it in a case and the laws that are applicable to the situation.

A court's role is to interpret and apply the law to the facts of a case that is brought before it. As a result, a court cannot pass an order for the apprehension of future happenings because it is impossible to predict with certainty what will happen in the future. The court can only make decisions based on the evidence that is presented to it and the laws that are applicable to the situation.

A court can only act on past or present events and make decisions based on the available evidence. In some cases, a court may be able to issue an injunction to prevent certain actions from

being taken in the future, but this must be based on the law and the specific circumstances of the case.

In conclusion, while a court has the power to make decisions and issue orders in a wide range of legal matters, it cannot pass orders for the apprehension of future happenings as they are uncertain and unpredictable.

So we are of the view that Tribunal has rightly passed the impugned order by holding that the petitioner has no *locus standi* and no cause of action arose till date for entertaining his application.

Accordingly, we find that there is no illegality or irregularity in the impugned order passed by the tribunal dated 11.11.2022.

The instant writ petition is dismissed.

No costs.

Urgent Photostat certified copies of this judgment, if applied for, be made available to the parties subject to compliance with requisite formalities.

I agree.

**(Harish Tandon, J.)**

**(Prasenjit Biswas, J.)**