

OD-9

IN THE HIGH COURT AT CALCUTTA  
SPECIAL JURISDICTION(CONTEMPT)  
ORIGINAL SIDE  
CC 13 OF 2023  
WITH  
WPO 2402 OF 2022

IN THE MATTER OF:  
JOYDEEP GHOSH  
VS.  
SIDDHARTHA KANJILAL

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date : 31<sup>st</sup> March, 2023.

*Appearance:-*

*Mr. Debnath Ganguly, Adv.*  
*Mr. Aranya Saha, Adv.*  
*Mr. Supriyo Dutta, Adv.*  
*Mrs. Aishwarya P. Ganguly, Adv.*  
*For petitioner*

The Court:- This is a contempt application arising out of an order dated November 18, 2022 passed by this Court. By the said order, this Court directed the Principal Secretary, Judicial Department, Government of West Bengal to consider the representation of the petitioner within eight weeks and dispose of the same by way of a reasoned order.

The representation of the writ petitioner was considered and a reasoned order was passed by the Principal Secretary, Judicial Department on December 15, 2022.

By a gazette notification dated July 6, 2021, the minimum qualification for UDA (Upper Division Assistant) post was at least a holder of a bachelor degree granted by University established by law in India.

The question that falls for consideration is whether only the holders of bachelors degree working in the posts of UDA will be considered for promotion to higher posts or the persons who were already working as UDAs prior to 2021 without being holder of bachelors degree will also be considered for promotion/recruitment to the post of Bench Clerk, Grade-II.

The Principal Secretary was of the opinion that there existed an ambiguity in the interpretation of the rules and specifically amongst the deserving and higher qualified candidates being eligible for the next post of promotion. He was of the view that the rule should be given prospective operation in respect of promotion of the employees who were appointed in any post by direct recruitment after coming into the operation of the rules. Since he was of the opinion that the interpretation of such rules was within the exclusive domain of the Hon'ble High Court, he had forwarded his reasoned order/opinion to the Registrar General, Hon'ble High Court at Calcutta under rule 62 of the West Bengal District Courts (Constitution of Service and Recruitment, Appointment, Probation and Discipline of Employees) Rules, 2015. As such, this Court finds no infirmity in the order passed by the alleged contemnor/Principal Secretary, Judicial Department.

In the light of the discussions above, **CC No.13 of 2023 is dismissed.**

All parties to act on a server copy of this order downloaded from the official website of this Court.

(LAPITA BANERJI, J.)