

11-06-2024
ct no. 13
Sl. 50
pk

WPA 681 of 2023
Jagannath Mukherjee & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Mainak Ganguly,
Mr. Shankar Mukherjee
...for the petitioners

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee
...for the State

Ms. Karunamoyee Samanta,
Mr. Rajdeep Adhikari
...for the added respondents

Mr. Ram Mohan Pal

... for the respondent nos. 5 and 6.

1. This Court has considered the report filed on behalf of the Judgeship of Howrah and the reply/objection filed by the petitioners thereto. The bone of contention between the parties is with regard to the date of coming into force of the recommendation of the Shetty Commission.
2. While the writ petitioners contends that the recommendation came into force from the year 2003, the respondents contend by reference to the West Bengal District Court (Constitution of Service, Recruitment, Appointment, Probation and

Discipline of Employees) Rules of 2015 was published in the official gazette on 6th July, 2021 and this is the effective date for entitlement. The petitioner retired between 2003-2010. They are hence not entitled to the benefit under the said rules.

3. The recommendations of the Shetty Commission are required to be adopted by each State as per the dicta of the Supreme Court.
4. Admittedly, the writ petitioner made a representation to the District Judge, Howrah and they were heard and it was explained as to why the Rules cannot be applied to them.
5. In the State of West Bengal, the aforesaid Rules of 2015 were brought into force by publication of the official gazette on 6th July, 2021. The petitioners cannot therefore seek the benefit from any retrospective date than as specified under the Rules of 2015.
6. Admittedly, the effective date of implementation of the said Rules of 2015 has not been challenged. In those

circumstances, no relief can be granted to the petitioners.

7. The writ petition is dismissed.
8. The District Judge, Howrah shall strictly implement the aforesaid Rules of 2015 and/or Selection Committee with effect from 6th July, 2021 and rectify any gradation list already published.
9. The writ petition is disposed of.
10. Interim orders, if any, shall stand vacated.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)