

1111
2024

MONDAY

Court : 08
Item : DL-11
Matter : MAT
Status : DD-AD
Bench ID : 266048
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

MAT 595 of 2024
CAN 1 of 2024
CAN 2 of 2024

ARIJIT RAKSHIT

Vs.

JADAVPUR UNIVERSITY & ORS.

MR. PRABHAT TAPAN BANERJEE, ADVOCATE
MS. DEBJANI SENGUPTA, ADVOCATE

.....for the Appellant

MR. SOUMYA MAJUMDAR, ADVOCATE
MS. SANJUKTA DUTTA, ADVOCATE

.....for the University

CAN 1 of 2024

1. This is an application for condonation of delay in preferring the instant appeal within time.
2. It appears from the report of the Stamp Reporter that there occur 21 days of delay in filing the instant appeal.
3. On perusal of the petition for condonation of delay and after hearing the learned Advocate for the appellant we are satisfied that the present appellant has satisfactorily explained the delay of 21 days in preferring the appeal and accordingly the delay in filing the appeal is hereby condoned.
4. Consequently, the application being **CAN 1 of 2024** is allowed and **disposed of**.

MAT 595 of 2024

5. By consent of the learned Counsel/parties the main appeal is taken up for hearing.

6. The grievance of the appellant relates to keeping him outside the zone of promotion from the post of a Junior Assistant-cum-Typist to the post of Senior Assistant at Jadavpur University. It is undisputed that the criterion for granting promotion is based upon merit-cum-seniority principle.
7. The grievance of the appellant is that he has been singled out and the authorities have taken a lopsided decision in keeping the appellant away from the right to get the promotion to the post of a Senior Assistant.
8. It was contended before the Single Bench that since last many occasions, the petitioner has been denied the promotion and, therefore, the respondent authorities must disclose the reason therefor.
9. It transpires from the impugned order that direction was passed upon the learned Advocate appearing for the University to disclose the relevant papers pertaining to the selection process initiated on preceding occasion which, in fact, was produced before the Court. Since the petitioner was not found suitable for promotion on the basis of merit, he was declared unsuccessful.
10. It is sought to be contended before us that the awarding of marks on the tenure of the service having rendered at the feeder post is erroneous and not in consonance with the relevant provision. It appears that even if such

discrepancies are corrected, the appellant is not found suitable on merit and, therefore, there is no infirmity and/or illegality committed by the authorities in this regard.

11. The Writ-Court cannot substitute itself in the armchair of the administrative authorities who was the best judge to ascertain the suitability of a person based upon its merit for the promotional post.
12. We do not find any infirmity in the impugned order.
13. The appeal being **MAT 595 of 2024** is thus **dismissed**.
14. Consequently, the application being CAN 2 of 2024 also stands dismissed.

(HARISH TANDON, J.)

(PRASENJIT BISWAS, J)

