

23.04.2024
Item No.139
Ct. No.238
S.A.

**WPA 10969 of 2017
with
CAN 1 of 2018 (Old No. CAN 4854 of 2018)
CAN 2 of 2020 (Old No. CAN 2751 of 2020)
CAN 3 of 2024**

**Susanta Kumar Ari & Ors.
-vs-
The University of Calcutta & Ors.**

Mr. Krishnendu Bera
Ms. Debolina Chakraborty
...for the petitioners

Mr. Nilotpall Chatterjee
Ms. Nandini Mitra
...for the Calcutta University

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
...for the State

The petitioners are the Group-D staff of Calcutta University. They belong to the Scheduled Castes and the Scheduled Tribes category.

Learned advocate appearing on behalf of the petitioners submits that university did not follow 100 Point Roster in appointment of Group-D staff and 50 Point Roster in giving them promotion. Mr. Bera, learned advocate appearing on behalf of the petitioners has drawn attention of this court to the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976 to argue that as per Section 5 of the said Act the university should have filled up 10% strength of the Group-D staff by way of promotion to Group-C posts and in giving promotion, the university ought to have followed 50 Point Roster.

The university, on the other hand, suggests that though the 10% of the total Group-D staff strength has been filled up as Group-C staff. The university did not treat the said 10% vacancy as the promotional posts. The university has, in fact, treated the posts as base posts to follow 100 Point Roster in filling the Group-C vacancies.

Mr. Bera disputes the submissions advanced on behalf of the university. He refers to an order dated November 10, 2017, issued by the Backward Class Welfare Department of the State directing the university to prepare a 50 Point Roster.

It is an admitted position that at the time of filing of the writ petition, no Group-D staff junior to the petitioner belonging to the Scheduled Castes and the Scheduled Tribes category had been promoted as Group-C staff.

Learned advocate appearing for the university admits that during the pendency of the writ petition, a number of Group-D staff members belonging to the Scheduled Castes and the Scheduled Tribes category were given promotion to Group-C posts. The petitioners could not be promoted as they did not participate in the selection process.

Mr. Bera, on the other hand, submits that the petitioners duly applied for their promotion following a notification dated February 21, 2024, but they were

not considered by the university. He further submits that without waiting for fifteen working days as required under the notification, the university published the list of the candidates for promotion on March 1, 2024.

The university submits that if any representation is made by the petitioners to the Vice Chancellor seeking promotion to Group-C posts, the same shall be considered in accordance with law. The university shall also consider promoting the petitioners with retrospective effect from their due date of promotion.

In that view of the matter, this court is not inclined to deal with the issues as raised by the petitioner in this writ petition.

Accordingly, **WPA 10969 of 2017** is disposed of, granting liberty to the petitioners to make a comprehensive representation seeking their promotion to Group-C posts within a period of two weeks from date. If such representation is made, the same shall be considered by the university within one month from the date of communication of this order.

All the connected applications **CAN 1 of 2018, CAN 2 of 2020 and CAN 3 of 2024** are accordingly disposed of.

(Kausik Chanda, J.)