

10.07.2024
Item No.100
Monthly List
Ct. No.26
CHC

M.A.T. 1049 of 2022
IA NO: CAN/1/2022

**Calcutta High Court, Scheduled
Castes/Scheduled Tribes and Other Backward
Classes Employees Forum, rep. by its Secretary,
Krishnendu Saha & ors.
Vs.
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Mr. Raju Bhattacharyya, Advocate
Mr. Arunava Maiti, Advocate
...for the appellants

Mr. Pantu Deb Roy, Ld. A.G.P
Mr. Pannalal Bandyopadhyay, Advocate
...for the State/respondent no.1

Mr. Saikat Banerjee, Advocate
Mr. U. K. Roy, Advocate
...for the High Court Administration

Appeal is directed against the order dated
April 7, 2022 passed by the learned Single Judge in
W.P.A. 10164 of 2020.

By the impugned order, learned Single Judge
dismissed the writ petition.

Appellants before us are employees of the
High Court. Out of the 12 appellants, one is the
Association of the reserved category employees. The
other appellants belong to the category for which, the
Union appellant is espousing the cause. The cause
sought to be espoused in the writ petition relates to a
gradation list published in the year 2001 being

Appointment Order No.80 of 2001 in respect of Lower Division Assistant.

It is the contention of the appellants that, the provisions of the West Bengal Schedules Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 were not being adhered to in preparing and publishing the gradation list and granting promotion.

Learned Senior Advocate appearing for the appellants submits that, vacancies were not declared in accordance with the Act of 1976. 50 point roster was not followed in preparation of the gradation list.

State and the High Court Administration are represented.

There is an issue of delay in filing the writ petition. A gradation list of 2001 in respect of Lower Division Assistant of the High Court is sought to be assailed in a writ petition filed in 2020. Third party rights accrued between the time period of the publication of the gradation list and filing of the writ petition. Moreover, specific instances of violations are not pleaded or alluded to in the body of the writ petition itself.

Final gradation list is published, after publication of the draft gradation list and after inviting objections thereto. At the relevant point of time, none of the appellants raised any objection to

the draft gradation list. Draft gradation list for the subject year was allowed to be finalized and the final gradation list was allowed to be published. Final gradation list was not made subject-matter of challenge till 2020. As noted above, such final gradation list of 2001 gave rise to third party interest. Persons were given appointment and thereafter, promoted.

Moreover, as noted above, specific instances of so-called violation of the provisions of Act of 1976 are not alluded to or pleaded in the body of the writ petition. In fact, neither the draft gradation list nor the final gradation list 2001 forms part of the writ petition itself. In absence of such material particulars, assuming though not admitting that, Writ Court can look into the grievances at such belated stage, requisite materials are not made available on record.

In such circumstances, we find no merit in the present appeal.

M.A.T. 1049 of 2022 along with IA NO: CAN/1/2022 are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)