

02.12.2024
Court No.23
ML – 7
M.H

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 22020 of 2024

**Krishna Kant Singh
versus
State of West Bengal & Ors.**

Mr. Susanta Pal

.... For the Petitioner.

Mr. P. Deb Roy,

Mr. Panna Lal Bandyopadhyay

.... for the State.

Mr. Aditya Chaturvedi

....for the Respondent Nos.2, 3, 4 & 6.

The petitioner is working as a Bus Conductor in Calcutta Tram Ways Company (1978) Ltd. which is now known as West Bengal Transport Corporation Ltd. (in short WBTCCL) for last 28 years and is also assigned his duties as Clerk, Timekeeper, Cashier and Switch Board Attendants.

The petitioner says that he is the General Secretary of a Trade Union, namely, the Calcutta Tram Mazdoor Panchayat as such he is being continuously victimized by the respondent no.6, the Deputy Managing Director, WBTCCL. The assignment of job as Clerk, Timekeeper, Cashier and Switch Board Attendants is at the behest of the said respondent no.6.

The petitioner says that on 14th March, 2024, WBTCCL published a notification inviting application for promotion to the post of Ticket Inspector-cum-Starter

for fulfilling 115 such posts on merit-cum-seniority basis. Out of the said posts, 82 posts were meant for Un-reserved Category (UR), 26 posts were reserved for Scheduled Caste (SC) and 7 posts were reserved for Scheduled Tribes (ST). The last date of the application was 5th April, 2024.

The eligibility criteria was minimum 5 years working experience in their present posts and passed school final or Madhyamik equivalent examination from a recognized Board. The petitioner says that he has been serving WBTCL without any blemish and fulfills the dual requirement under eligibility criteria. The petitioner applied for promotion under UR, however, the petitioner's candidature was rejected by a memo dated 22nd July, 2024 wherein under serial no.8 his name figures. It is stated that the petitioner did not submit the educational certificate. The petitioner says that he had passed Madhyamik equivalent examination from Bihar School Examination Board, Patna held for the year 1997. The petitioner has enclosed photocopies of Marks Sheet, his Admit Card and School Certificate along with the writ petition. The petitioner says that after he joined WBTCL, the petitioner had submitted all these documents and had also submitted the same along with his application form.

The petitioner says that the respondent no.6 to victimize the petitioner has removed the documents in

support of his educational qualification and has ultimately disqualified the petitioner. The petitioner had filed this writ petition on 30th August, 2024 i.e. immediately after publication of the notice dated 20th August, 2024.

The petitioner also says that in order to further victimize the petitioner, the respondent no.6 in hot haste is trying to fulfill the vacancies. The petitioner has applied under Un-Reserved Category which is likely to be filled up at any time.

On behalf of the WBTCCL, the allegations made by the petitioner are denied.

It is submitted by the WBTCCL that the petitioner joined the service on 12th January, 1996. The petitioner at the time of joining did not possess the Madhyamik Pass or equivalent certificate, as it will appear from the certificate disclosed by the petitioner that the same was for the examination for the year 1997. The petitioner did not submit the documents in support of his educational qualification with the application form and as such he was disqualified since he did not meet one of the eligibility criteria.

Be that as it may since the petitioner has produced the photocopies of his certificate to have passed Madhyamik or equivalent examination from Bihar School Examination Board, Patna prior to the cut off date for the application and that the promotional

posts are to be filled up after calling for application, the petitioner's case should be re-considered by the respondents particularly when the petitioner has grievance against respondent no.6, the Deputy Managing Director, WBTCL. The petitioner's case should be considered by the respondent no.4 being the Managing Director, WBTCL. The petitioner shall be called for a personal interaction with all testimonials in support of his educational qualification as also documents relating to other requirements within the period of 7 days from the date of service of this order. Till the petitioner's case is not considered afresh, the respondents shall not fill up one vacancy out of 82 vacancies under Un-Reserved Category as published in the notification dated 14th March, 2024. Unless one vacancy is left unfilled then the petitioner even if is successful will not get a chance for promotion if all vacancies are filled up by that time.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties including the respondent no.3 shall act on server copy of this order without insisting upon certified copy thereof.

Urgent photostat certified copy of this order,
if applied for, be given to the parties upon compliance of
all necessary formalities.

(Arindam Mukherjee, J.)