

19.12.2024
D.L.7
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24629 of 2024

Samir Saha
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Debnath Ganguly,
Mr. Supriyo Dutta
....for the petitioner.

Mr. Tapan Kumar Mukherjee, AGP,
Mr. Somnath Naskar,
Mr. Alok Banerjee
....for the State & District Judge,
Paschim Bardhaman.
Mr. Gourav Das
....for the respondent no.3.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee
....for the District Judge, Howrah.

The matter has been brought in the list on being mentioned by the petitioner for extension of interim order which is in subsistence till 31st December, 2024.

A report in the form of an affidavit filed by the respondent no.4 (District Judge, Paschim Bardhaman) is taken on record. It appears from the said report that the selection process for engagement of English Stenographer Grade-III is still in the process. As per the memo dated 4th September, 2024 which is annexed to the said report, it is found that the last date of submission of the application form by

the interested candidates was 30th September, 2024. The report also says that the meeting to proceed further with the selection process was scheduled to be held on 25th November, 2024. It is submitted that the present District Judge only assumed his office on 18th November, 2024, and as such, the meeting scheduled on 25th June, 2024 had to be deferred.

The petitioner after applying through proper channel and getting necessary clearance participated in the selection process for appointment of English Stenographer Grade-III under the District Judgeship at Howrah. The petitioner was selected and was scheduled to join the services of the District Judgeship at Howrah on 11th September, 2024. The petitioner could not do so because he was not released by the District Judge, Paschim Bardhaman citing that there will be dearth of English Stenographer Grade-III in the said District Judiciary if the petitioner is released. The petitioner was given to understand that the selection process of English Stenographer Grade-III under the said District Judiciary has commenced and on completion thereof the petitioner would be released.

Keeping in mind such assurance and appreciating the hardship that may be faced by the District Judgeship at Howrah as also at Paschim Bardhaman, the time for the petitioner to join at the

District Judgeship at Howrah was extended till 31st December, 2024. The selection process under District Judgeship at Paschim Bardhaman as stated hereinabove has not taken a final shape. If the petitioner is directed to be released by the District Judgeship at Paschim Bardhaman, the said Judgeship will be in dearth of Stenographer. At the same time, the District Judgeship at Howrah after having completed the selection process is unable to avail the services of the petitioner since he has not been released by the District Judgeship of Paschim Bardhaman. As a consequence whereof, the District Judgeship at Howrah is also facing dearth of English Stenographer Grade-III.

Considering the difficulty and the hardship that is faced or likely to be faced by the District Judgeship at Howrah and the District Judgeship at Paschim Bardhaman and to prevent the petitioner from being prejudiced, the interim order is extended till 31st March, 2025.

It is made clear that if the selection process for appointing English Stenographer Grade-III under District Judgeship at Paschim Bardhaman is not complete by 15th March, 2025, then the petitioner should be released immediately thereafter so that he can join the services of District Judgeship at Howrah by 31st March, 2025.

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

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

(Arindam Mukherjee, J.)