

07.03.2024.
Court No. 13
Item No. 338
ap

W.P.A. No. 28715 of 2023

**Srikanta Maji
Versus
The State of West Bengal & Ors.**

Mrs. Pampa Dey Dhabal,
Mr. Krishna Deo Das,
Ms. Sangita Banerjee.

...For the petitioner.

Mr. Arjun Roy Mukherjee,
Ms. Tuli Sinha.

...For the State.

Mr. Saikat Banerjee,
Mr. Kalyan Kumar Panda.

..For the High Court Administration.

Mr. Vimal Kumar Shahi.

....For the respondent no.3.

Mr. Rajeswar Basu.

...For the respondent no.5.

1. A short question that comes for consideration in the instant matter is the gradation list to the post of Junior Sheristadar Bench Clerk Grade-I.
2. The petitioner claims that being a Scheduled Caste candidate, he ought to have been promoted to the post of Junior Shrestadar Bench Clerk Grade-I on 30th March, 2023.
3. There are several inconsistencies noticed in so far as the respondent no.5, namely, Arpita Barua is concerned.
4. Admittedly, she is a Scheduled Tribe candidate and was promoted to Bench Clerk Grade-II on the same day as the writ petitioner.

5. The inter se seniority between Arpita Barua and Srikanta Maji, the petitioner herein, is not clear.

6. It further appears that Subrata Das, the senior most in the cadre of Bench Clerk Grade-II has come in place of one Muktipada Sam. The petitioner stated to have come in place of Subrata Das.

7. There are discrepancies noted in the cadre of Junior Sheristadar as well as Bench Clerk Grade-II. Arpita Barua was a Scheduled Tribe candidate in the cadre of Bench Clerk Grade-II. As to how she was promoted in unreserved category in the post of Junior Sheristadar remains unexplained. Likewise Amal Kumar Mukherjee is admittedly a general candidate. He has been promoted in the Scheduled Tribe category in the cadre of Junior Sheristadar.

8. It appears that the objection of the petitioner dated 7th February, 2023 has not been taken into consideration by the District Judge, Paschim Bardhaman.

9. In view of the discrepancies inter alia noted by this Court, it is directed that the District Judge, Paschim Bardhaman shall revisit the gradation list more fully set out in page 69 of the writ petition being the “List of names of employees in re-designated and upgraded post of different cadres from 10th September, 2018 to 30th March, 2023”.

10. The petitioner and/or any other affected candidates including the respondent no.5 may be heard by the District Judge, Paschim Bardhaman in this regard.

11. After taking into consideration all the submissions, the District Judge, Paschim Bardhaman shall pass a reasoned and appropriate order and also publish, if necessary, a fresh gradation list.

12. The gradation list dated 30th March, 2023 shall remain in abeyance pending reconsideration as directed by this Court.

13. It is expected that the aforesaid process is completed by the District Judge, Paschim Bardhaman within a period of one month from date.

14. With the aforesaid directions, the instant writ petition shall stand disposed of.

15. There will be no order as to costs.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)