

O-12

APOT/55/2021
WITH
WPO/170/2020
IA NO. GA/1/2021

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

GOPAL CHAKRABORTY

-Versus-

THE STATE OF WEST BENGAL AND ORS.

BEFORE :
THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI
And
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
Date : 5th April, 2024

Appearance:

*Mr. Debductta Basu, Adv.
...for the appellant.*

*Mr. Niladri Bhattacharjee, Adv.
Mr. Deblina Chattoraj, Adv.
Ms. Angana Dutta, Adv.
Mr. Pratik Acharjee, Adv.
... for the respondent nos. 2-6.*

1. Heard Mr. Debductta Basu, learned counsel for the applicant/appellant and Ms. Deblina Chattoraj, learned counsel for the respondents.
2. This application has been filed by the appellant praying for setting aside the impugned order dated 15.12.2020 in WPO/170/2020 (Gopal Chakraborty Vs. State of West Bengal and

20 others) as well as dismissal of writ petition no.194/2016 as infructuous.

3. We have perused the impugned order dated 15.12.2020. Perusal of the impugned order as well as the order dated 02.01.2020 in APO/384/2018 shows that a similarly situated employee working **on** the post of peon filed a writ petition being no. 86 of 2018 and on its dismissal filed the aforesaid APO/384/2018 which has been dismissed by the Division Bench by order dated 02.01.2020 holding that the said appellant has no locus standi. It is admitted before us that the appellant of APO/384/2018 and the present appellant both stand on similar footing. We repeatedly asked learned Counsel for the appellant that how the appellant can be said to be an aggrieved person particularly with reference to his position in the seniority list. We also repeatedly asked learned Counsel for the appellant to point out from pleadings that at which serial number in the seniority list the name of the appellant herein finds place. Learned Counsel for the appellant could not answer any of the queries of the Court. It appears to us that the appellant herein has been much lower in seniority and thus was not even eligible for consideration in the matter of promotion in question from the post of peon to the post of Record

Keeper. Since the appellant herein cannot be said to be an aggrieved person particularly in view of the Coordinate Bench decision dated 2nd January, 2020 in APO/384/2018 (Subhasish Roy Chowdhury Vs. The State of West Bengal and Others) passed in the matter of a similarly situated person, therefore, we do not find any illegality in the impugned order passed by the learned single Judge dismissing both the writ petitions of the appellant herein. The impugned order passed by the learned single Judge contains sufficient reasons and we do not find any infirmity in it.

4. For all the reasons aforestated, the appeal is dismissed.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)