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WEDNESDAY

Court : SCB-654
Item : DL-49
Matter : WPA
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3605 OF 2021

HARANATH LAI & ORS.

Vs.

THE STATE OF WEST BENGAL & ORS.

MR. INDRANIL MITRA, ADVOCATE

.....for the Petitioners

1. None appears on behalf the Respondent/State.
2. The Bankura Zilla Parishad initiated a selection process to fill the post of Upper Division Assistant, a promotional post, from among in-service candidates. The writ petitioners participated in the selection process but were not promoted to the post, which led them to approach this Court by filing the present writ petition.
3. The specific grievance of the writ petitioners was that the concerned authority wrongly applied the principle of 'seniority-cum-merit,' whereas the principle of 'merit-cum-seniority' should have been applied to fill the posts. The record reveals that the writ petitioners ranked 1st, 2nd, and 5th, respectively, while one Manju Chatterjee, who ranked 6th, was promoted. She

was added as a respondent in the instant writ petition pursuant to an order dated 25th February 2021. Subsequently, by another order dated 4th March 2021, a direction was issued to the concerned respondent to give appointment to petitioner no. 3, namely Pankaj Kumbhakar.

4. However, during the pendency of this writ petition, by virtue of an order dated 14th June 2021 issued by the District Magistrate, Bankura, and the Executive Officer, Bankura Zilla Parishad, the appointment of Manju Chatterjee was revoked and by another order bearing the same date, petitioner no. 3 was promoted to the post of Upper Division Assistant.
5. In the order dated 25th February 2021 passed in this writ petition, it was observed that petitioners no. 1 and 2 had already been promoted.
6. Since all three writ petitioners have been promoted, I am of the view that there is no point in keeping the writ petition pending. Therefore, from the record, it appears that the grievances raised by the petitioners in this writ petition have already been redressed.

7. At this juncture, Mr. Mitra, learned advocate appearing for the petitioners, prays for a further direction to prepare and publish a Gradation List based on merit-cum-seniority of the candidates who participated in the selection process. However, nothing has been presented before this Court to demonstrate which rule needs to be followed in this regard.
8. However, to avoid any confusion, the petitioners are granted liberty to approach the concerned respondent for the preparation and publication of a gradation list in accordance with the rules applicable to the department.
9. With these observations, the writ-petition being **WPA 3605 of 2021** is **disposed of** without any order as to costs.

(PARTHA SARATHI CHATTERJEE, J)

