

11.08.2025
Item No.21, DL
Court No.17
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 7988 of 2025

**Sumita Ghosh
-Vs-
The State of West Bengal & Ors.**

Ms. Debjani Sengupta,
Ms. Shahina Haque,
Mr. Abhijit Chatterjee,
Ms. Koyel Bag.
...for the petitioner.

Mr. Avishek Prasad.
...for the State.

Mr. Subhrangsu Panda,
Mrs. Ina Bhattachryya,
Ms. Mithu Singha Mahapatra.
....for the respondent no.4.

Mr. Sobhan Majumder,
Ms. Utsa Dutta..
....for the respondent nos.5 & 6.

The petitioner is the Lower Division Clerk of the Bijoy Krishna Girl's College. The post of cashier is the next promotional post of the petitioner. The petitioner, *inter alia*, is praying that she may be granted promotion to the said Post.

Ms. Debjani Sengupta, learned Senior advocate for the petitioner submits that on the retirement of the erstwhile incumbent, the said post of cashier became vacant in the year 2016, since then the petitioner is in charge of the said post as per the decision of the Governing Body. The State in the year 2021 had permitted the Governing Body of the college to take steps to fill up the said vacancy but no positive steps were taken, as a consequence the said post is still lying vacant. The petitioner since is discharging the function of the cashier of the said college for the

last nine years, either she may be promoted to the said post or necessary steps may be taken to fill up the said vacancy.

The College and the Department of Higher Education, Government of West Bengal (**'The Department'** in short) were directed to file a report on the issue.

The college in its report dated May 29, 2025 has disclosed that in terms of the order bearing No. 915-Edn(C.E)/5P-77/99 dated November 19, 2007, the vacancy is required to be filled up by promotion of an employee belonging to the category of Lower Division Clerk such as Clerk, Typist etc. and the procedure prescribed by the order of the Department bearing No. 940-Edn(CS)/4E-25/2010(Part) dated August 25, 2017 is required to be followed to fill up the said vacancy. The report also discloses that as per the order dated August 25, 2017, a prior permission from the State is required to be obtained to initiate the selection process, which would be in force for the period of one year from the date of grant of such permission, such permission was granted to the College in the year 2021 but same has been lapsed without any selection process being initiated. The college, however, on July 10, 2025, has sought for a fresh permission from the Director of Public Instruction, Government of West Bengal, the respondent no. 3 herein, which is still waiting for response.

The Department through its Deputy Secretary, the respondent no.2 herein has filed a report dated August 08, 2025 wherefrom it appears that the process of grant of a fresh permission has already been initiated and it is expected that it would be completed very soon.

In the backdrop of the aforesaid facts and circumstances, the Principal & the Governing Body of the said College, the respondent nos. 5 & 6 herein respectively are directed to take steps to fill up the said vacancy in the post of 'Cashier' by promotion of an eligible employee of the College within a period of two weeks from the date of grant of the required permission by the State.

The post is lying vacant since 2016, it is expected that all concerned shall complete their respective drills in filling up the said vacancy as expeditiously as possible.

WPA 7988 of 2025 is disposed of with the above terms. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)