

19.08.2025
Sl. No.176(DL)
Ct. No.42
srm

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

W.P.A. No. 16939 of 2024

Sajal Das

Versus

The State of West Bengal & Ors.

Mr. Debabrata Mondal,
Mr. Chinmoy Mukherjee

...for the Petitioner.

Mr. Asim Hati,
Ms. Nandini Sharma,
Ms. Barnali Deb,
Mr. A. Karmakar

...for the North 24-Pargnas Zilla Parishad.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report in the form of affidavit filed by the North 24-Parganas Zilla Parishad is taken on record.
3. This writ petition is filed seeking direction upon the respondent authorities to promote the petitioner to the post of Lower Division Assistant (LDA) under the general category as per the gradation list followed by the Recruitment Rules, 1993.
4. The petitioner contends that he joined as Group-D staff in the office of the North 24-Pargnaas Zilla Parishad on compassionate ground on 12th April, 2010 as per the approval granted by the Panchayat and Rural Development Department, Government of West Bengal. The vacancy in LDA was created. The

petitioner applied on 1st June, 2020 for his promotion to the post of Lower Division Assistant from the post of Group-D. Since the petitioner was not promoted, the petitioner has filed the present writ petition.

5. Mr. Debabrata Mondal, learned Advocate for the petitioner submits that he is the only candidate to be promoted to the post of LDA under the general category. The petitioner made a representation on 25th August, 2023. However, no decision has yet been taken.

6. On the contrary, Mr. Asim Hati, learned Advocate for the North 24-Parganas Zilla Parishad submits that on the date the vacancy was created the petitioner did not complete 10 years' of service as required in the notification under Memo No.499/PN/O/III/2E-62/09 dated 7th March, 2017. The aforesaid notification also provides certain criteria which have to be fulfilled for getting promotion to the post of Lower Division Assistant. The petitioner has to appear for a written test and to score 15 out of 50 in the written test. The promotion of the petitioner from Group-D to LDA is not as normally followed in case of other posts. In case of a Group-D employee for promotion to the post of LDA the criteria, as mentioned in the aforesaid notification, have to be followed. Upon

direction by this Hon'ble Court, the Zilla Parishad is ready and willing to publish a notification for conducting such test for filling up of one vacancy on promotion to LDA from eligible Group-D employees as per existing Zilla Parishad Rules, 1997. He informs the Court that the petitioner, as on date, has completed 10 years of service.

7. Admittedly, the petitioner has completed 10 years' of service. It is also not in dispute that at present the petitioner is eligible to appear for the examination which is to be conducted for promotion *inter se* to the post of Lower Division Assistant from Group-D.
8. Accordingly, the writ petition being **WPA 16939 of 2024** is disposed of directing the North 24-Parganas Zilla Parishad to make publication of the examination to be conducted for *inter se* promotion to the post of Lower Division Assistant from Group-D employee in terms of Memo No.499/PN/O/III/2E-62/09 dated 7th March, 2017 following Zilla Parishad Recruitment Rules, 1997 within a period of four weeks from the date of communication of this order.
9. Learned Advocate for the petitioner is directed to communicate this order to the North 24-Parganas Zilla Parishad for necessary compliance.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.

12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)