

21.08.2025

Item no. DL 11
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.ST 162 of 2025**

In the matter of :

HIRENDRA NATH ROY

.... Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.

....Respondents

For the Petitioner :

Mr. Sudipta Dasgupta

Mr. Rithik Basu

....Advocates

For the Respondents / State :

Mr. Swapan Kr. Datta, AGP ...Sr. Advocate

Mr. Tapas Kr. Dey

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. Heard the learned advocate for the petitioner as well as learned Senior Advocate for the respondents / State.
3. The present petitioner joined a Group - D post as a lab-bearer on 14.08.1997. The appointment was granted to the writ petitioner on compassionate basis. It is apparent from the records that in the year 2017, the Principal of the college recommended promotion of the petitioner to lower division clerk. Based on such recommendation the petitioner has filed a representation before the authorities. After due

consideration the matter has been decided by reasoned order dated 16.06.2022 passed by the Director, Public Instruction, Government of West Bengal. The Director has taken note of the fact that the petitioner participated in a promotion process which was based on seniority-cum-merit requiring the candidates to pass a test of computer operation and computer typing conducted by the administrative training institute, as per the prescribed procedure. The petitioner, however, was placed at serial 72 in the gradation list of LDC under 10% promotion quota. The last candidate promoted through this quota was at serial 21. The petitioner, therefore, was way below the zone of consideration.

4. The learned advocate for the petitioner submits that the petitioner in his representation has alleged that he has been discriminated against, as 8 to 9 persons, whose details he had provided in the representation dated 28.04.2022, are posted as LDC whereas the petitioner has been deprived of such a promotion.
5. To ascertain such issue, we have examined the table containing the 9 names with whom the petitioner is claiming discrimination. It appears from the said table that the said persons were appointed on compassionate ground as LDC in

different Government offices. They were not promoted as such. The petitioner's claim, however, was for promotion based on a recommendation made by the Principal in the year 2017. While raising a claim for promotion as LDC, the petitioner has raised a collateral issue, with reference to 8-9 other persons named in his representation dated 28.04.2022, whose initial appointment on compassionate ground was to the post of LDC. Allegation of discrimination has also been made without making them party respondents and without giving any details regarding qualification etc. of these persons, to sustain an allegation of discrimination.

6. We find this unsustainable also having regard to the fact that the petitioner was appointed to a group - D post on compassionate ground way back on 14.08.1997. He accepted such appointment without any demur and continued to discharge his duties for decades, before raising the claim in question.
7. Upon consideration of above noted facts, the Tribunal has refused to entertain the petitioner's prayer made in the OA for petitioner's promotion to a Group - C post, which in our opinion requires no interference.

8. The writ petition is dismissed.
9. However, we make it clear that the petitioner would be entitled to consideration of his claim for promotion in accordance with merit as and when it becomes due, in accordance with law.
10. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)