

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 23432 of 2024
Prabhat Kumar Mandal
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Salma Sultana

For the State : Mr. Sirsanya Bandopadhyay, Ld. Sr. Standing Counsel
Mr. Ritesh Kumar Ganguly

Heard on : 15.01.2025

Judgment on : 15.01.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the D.P.I. to consider the case of the petitioner for promotion from Group 'C' to the post of Group 'D' while working at the Durgapur Womens' College.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was issued a letter of appointment on 27.03.2007 by the Durgapur Womens' College appointing him to the post of Generator-cum-Pump Operator against certain scales of pay. On 05.09.2007 the D.P.I. fixed the

pay of the petitioner as Generator-cum-Pump Operator. However, later on, the petitioner came to know that the post was actually of Generator-cum-Pump Operator-cum-Gas Plant Operator-cum-Mechanic. Therefore, the petitioner is entitled to more pay because he is performing more number of jobs. That apart, by a notification dated 26.11.2007 an earlier G.O was modified and it was decided that duly qualified candidates working for at least five years as regular employees in Group 'D' category in non government college in the State may be considered for appointment to the post of Group 'C' category of that college along with the candidates sponsored by the employment exchanges provided such candidates fulfilled the conditions for recruitment to the said post. In view of this, the petitioner made representation seeking promotion to Group 'C' post, but the same was never considered.

Learned senior standing counsel representing the State denies the allegations, relies on the report and submits as follows. The petitioner joined the Durgapur Womens' College in the post of Generator-cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic in a Group 'D' post on 27.03.2007. However, in the appointment letter the College Authority erroneously mentioned the designation as Generator-cum-Pump Operator. The pay fixation memo issued by the D.P.I. also mentioned the erroneous designation. However, by a subsequent

memo of the Higher Education Department dated 10th May, 2018, the designation was clarified as Generator-cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic. Moreover, the petitioner has misinterpreted the letter dated 10.05.2018 as for promotion from the Group 'D' to Group 'C' and to highest scale of pay. The said letter was only a clarification, which was never challenged by the petitioner. So far as the claim of the promotion from Group 'D' to Group 'C' post is concerned, there is no provision for such promotion. The notification dated 26.11.2007 never mentions the term promotion. Rather, it mentions that duly qualified candidates working for the last five years may be considered for appointment to the post of Group 'C' category. Such consideration would become an issue once the College decides to appoint somebody in the said Group 'C' post.

No one appears on behalf of the College.

It appears that by a subsequent clarification, it was made abundantly clear that the post to which the petitioner was appointed was that of Generator-cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic. In fact, this letter/clarification was not challenged by the petitioner.

So far as the notice dated 26.11.2007 was concerned, it never dealt with the issue of promotion, as rightly contended on behalf of the State. There is no provision for promotion from

Group 'D' to Group 'C'. The letter only relates to appointment to Group 'C' post to which the petitioner, who had working for five years in the Group 'C' post, could possibly apply if notified.

In view of the above, I do not find any merit in this application.

Accordingly, the writ petition is dismissed, however, without any order as to costs. If at a subsequent stage, the scope for direct appointment to appropriate Group 'C' post opens up, the petitioner may be considered along with others for such post in accordance with law.

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

(Jay Sengupta, J)

