

29.01.2025

Item no.DL10
Court No. 23

Asraf, A.R.(Ct.)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 24129 of 2024

SHANTI DAS
VS.
UNION OF INDIA & ORS.

Mr. Ujjal Ray
Mr. Atreya Chakraborty
....for the Writ Petitioner

Mr. Nilanjan Bhattacharya, Sr. Adv
Ms. Rini Bhattacharyya
Ms. Tanusree Ghosh
....for the Respondents

Pursuant to the order dated 23rd December, 2024 a report in the form of an instruction to the advocates prepared and signed by Mr. P. K. Nayak, DIGP (ADM), WBS, CRPF, Kolkata is placed before the Court and is taken on record. A copy of the report is made over to the learned advocate for the petitioner.

On a perusal of the said report it appears that the petitioner in the Review Medical Examination (in short, "RME") held on 18th January, 2025 has been found fit for being promoted as Head Constable (General Duty). The embargo in the petitioner getting the promotion on having been declared unfit in the Detailed Medical Examination (in short, "DME"), therefore, does not

subsist anymore. The Department has submitted that all the vacancies available for promotion have been, however, filled up in the meantime but if there is a direction from the Court then the petitioner can be promoted to the rank of Head Constable (General Duty) against overall vacancies available in the Department.

After being declared fit in the RME, I do not find any justification in withholding the promotion of the petitioner on the ground that the petitioner was declared unfit by the DME. It will be also not a prudent exercise to find out whether anyone having secured marks less than the petitioner had been promoted against the available vacancies as that will unsettle the list of promoted candidates. The Department has given a solution and I am inclined to accept the same.

The DIGP (ADM), WBS, CRPF, Kolkata and the respondent no.2 are directed to take appropriate steps so that the petitioner is promoted at the earliest but not beyond three weeks from the date of communication of this order as Head Constable (General Duty) against the overall vacancies available in the Department.

Nothing further remains to be adjudicated in the writ petition. The writ petition is, accordingly, **disposed of.**

Although the order is passed in the presence of the learned advocate representing the respondents but by way of abundant caution the petitioner shall serve a copy of this order upon DIGP (ADM), WBS, CRPF, Kolkata and the respondent no.2.

The parties including the DIGP (ADM), WBS, CRPF, Kolkata are directed to act upon the server copy of this order duly downloaded from the official website of this High Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)