

27.01.2025
Court No.23
DL/Item No.-6
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 27283 of 2023

**Ishita Das
versus
Paschim Banga Gramin Bank & Ors.**

Mr. Soumya Majumder, Sr. Adv.,
Ms. Mayuri Ghosh

....for the Petitioner

Mr. Baidurya Ghosal,
Mr. Sourav Mukherjee,
Mr. Saikat Mukherjee

....for the Respondents

The petitioner joined Paschim Banga Gramin Bank (in short, "PBGB") as an Officer in the Junior Management (Scale-I) on 6th April, 2015. The petitioner has now been promoted to Middle Management (Scale-II) with effect from April, 2024. The petitioner says that there exists two promotional avenue from the post of Junior Management (Scale-I) to the Middle Management (Scale-II), one being the Fast Track Mode and the other being the Normal Promotion Mode as per the provisions of Regional Rural Banks (Appointment of Officers and Employees) Rules, 2017 read with the provisions of Amended Promotion Rules of PBGB (Appointment & Promotion of Officers and Employees) Rules, 2017. For getting promotion under fast track mode Junior Management (Scale-I) to Middle Management (Scale-II)

an employee has to serve for 6 years in the feeder post i.e., Junior Management (Scale-I) and has to get minimum qualifying marks of 60% in aggregate of Written Test, Interview and Performance Appraisal Report (in short, "PAR") for the years consider for such Fast Track promotion. In case of normal channel, an employee must have served 8 years in the feeder post and have minimum qualifying marks of 50% in aggregate of Written Test, Interview and PAR. The petitioner was not given the promotion under the fast track mode but was granted promotion under the normal mode. The petitioner has disputed the decision taken by the PBGB in granting the petitioner's promotion under the normal mode instead of fast track mode. The petitioner has in support of her contention relied upon the marks issued to the petitioner for the various years. The petitioner says that in respect of year 2021-2022 her marks is 87 marks given by Reviewing Authority and 92 marks given by the Reporting Authority but the petitioner has been given only 78 marks. The petitioner also points out the difference in marks between the Reporting and Reviewing Authority and the actual marks ultimately allotted to the petitioner to show that there has been a discrepant method followed in case of allotting marks. The petitioner has also referred to page 91 of the report filed by the PBGB and submits that the same is an invalid

document as one Mr. Pankaj Bandyopadhyay had been shown as the Regional Manager as on 25th June, 2019 and Mr. Srikanta Kumar Sahu as on 16th August, 2019 had been shown as the General Manager but Amid Kumar Murmu, who had taken charge in 2022 as General Manager could not have got as Reviewing Authority in the PAR of 2019. In the aforesaid facts and circumstances, the entire process of marking and considering the petitioner for promotion should be reviewed.

On behalf of PBGB, it is submitted that PBGB has followed a transparent mechanism and all the records are before the Court and have been furnished to the petitioner. If a document is downloaded in 2022 then the name of the Regional Manager or the General Manager as on 2022 will be displayed in the portal and not the name of the persons who were the General and Regional Manager in 2019. There is, according to PBGB, no discrepancy in the document.

It is further submitted by the PBGB that the petitioner after 6 years did not have the minimum qualifying marks of 60% on an average. The petitioner, therefor, was not considered for promotion. Similarly, after completion of 8 years when the petitioner had qualified in respect of minimum marks, the petitioner was given promotion under the normal promotional

avenue. There is as such no discrimination to the petitioner.

It is well-settled that an employee cannot seek for mandatory order of promotion. However, such employee can always ask for being considered for promotion if such employee fulfills the promotional criteria.

In the instant case, the petitioner qualified the tenure of service in the feeder post and as such became entitled to be considered for promotion under the fast track mode. PBGB considered the marks obtained by the petitioner including the PAR and found that the petitioner for the last 5 years did not get on an average 60% marks, the petitioner was not, therefor, granted promotion under Fast Track Mode. On the other hand, whenever the petitioner qualified for the normal mode of promotion, the petitioner having fulfilled the requisite marks criteria was given the promotion. The scope of judicial interference into an order refusing promotion is very limited.

The grounds raised by the petitioner do not fall and/or qualify under any of such grounds and as such cannot be entertained. Assuming without admitting that the allotment of marks made to the petitioner by PBGB (employer) is incorrect or it is tainted with some suspicion as the authority mentioned therein as the Reviewing Authority does not also qualify under the grounds on which an order rejecting promotion can be

interfered with. Moreover, the basis of the same documents the petitioner has been given normal promotion which the petitioner has accepted.

In the aforesaid facts and circumstances, I find no merit in the claim made by the petitioner as in the writ petition.

Nothing further remains to be adjudicated in this writ petition. The writ petition fails and the same is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)