

Court No. 2

07.5.2025

(Item No. 7)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 29838 of 2024

Bhagabati Mondal Mridha
VS
The State of West Bengal & Ors.

Mr. Nirmalendu Bera
Mr. Gora Chand Samanta
.... For the petitioner
Mr. Rajarshi Basu
Mr. S. T. Mina
.... For respondent nos. 1 to 11

Affidavit of service filed in Court today is
taken on record.

Mr. Gora Chand Samanta, learned
advocate appears for the petitioner.

Mr. S. T. Mina, learned advocate led by
Mr. Rajarshi Basu, learned State advocate
appears for the State.

Pursuant to a notification issued by the
State dated **July 29, 2024, annexure P-2** at
page 13 to the writ petition a promotional
selection process was held from the post of
Anganwadi Helpers to Anganwadi Workers.
The petitioner participated in the promotional
process and became unsuccessful.

The solitary plea of the petitioner
challenging the said promotional process is
quoted below:

“That your petitioner states that authority concerned illegally and whimsically prepared the merit list of candidates for appointment of said promotional post without considering the name of the petitioner by oust the name of the petitioner by including the names of 2 (two) S.T. Category candidates in the General Category whereas the said 2 (two) post of S.T. Category lying vacant till date of Gosaba Additional Project whereas other Gosaba main Project the criteria has been follow ditto as per following provision of law.”

The petitioner submitted its representation dated **November 18, 2024**, **annexure P-4** at **page 19** to the writ petition. The grievance of the petitioner is also that the same has not been considered.

The learned State counsel Mr. Mina submits that, the plea taken by the petitioner as quoted above is not tenable in law because the S.T. category candidates who secured top position in the merit list, should have to be placed under the General category and accordingly the merit list was prepared and the petitioner became unsuccessful.

After considering the rival contentions of the parties and upon perusal of the materials

on record this Court reiterates that, promotion is not a vested right if a candidate applies for promotion his application is required to be considered in accordance with law.

Applying the settled legal principle in the facts of this case it appears to this Court that, there is no infirmity in the merit list of the relevant selection process for promotion. Since the petitioner has not even come within the consideration zone, there is no requirement for sending the representation for consideration before the appropriate authority.

Accordingly, this writ petition, **WPA 29838 of 2024** stands **dismissed**, without any order as to costs.

However, this order of dismissal shall not preclude the petitioner to participate in subsequent promotional process, if she is otherwise found to be eligible to participate in accordance with law.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)