

17-06-2026
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.12758 of 2026
Madhuparna Bhattacharya

-vs-

The State of West Bengal & Ors.

Mr. Srikanta Datta, adv.
Ms. Aditi Chakraborty, adv. ...for the petitioner

Mr. D.N. Ray, sr. adv. & GP
Mr. Guddu Singh, adv. ...for the State

1. The petitioner who was serving as an Assistant Director, Directorate of Consumer Affairs & Fair Business Practices under the Consumer Affairs, Government of West Bengal, was appointed on promotion as the Deputy Director vide order dated April 30, 2026 as per the recommendation of the Public Service Commission, West Bengal dated March 27, 2026.
2. On May 25, 2026, the petitioner was transferred to the post of Registrar of the Asansol Circuit Bench.
3. Specific submission of the petitioner is that there is no post of Registrar in the Asansol Circuit Bench. Immediately thereafter on May 26, 2026, the petitioner was issued a corrigendum mentioning that in place of the word 'Registrar' in the order of transfer dated May 25, 2026, the expression 'Sub-Registrar' shall be read.
4. Submission of the petitioner is that Sub-Registrar is a lower rank and that the petitioner cannot be

posted as Sub-Registrar.

5. Soon thereafter on May 27, 2026, a fresh order of transfer was issued whereby the petitioner was posted as the Joint Registrar of the Asansol Circuit Bench. On the same day, i.e. on May 27, 2026, she was issued a release order for her joining at Asansol Circuit Bench of the West Bengal State Consumer District Redressal Commission as Joint Registrar.
6. Learned counsel for the petitioner relied upon different categories under the Directorate of Consumer Affairs & Fair Business Practices of the Department of Consumer Affairs, Government of West Bengal dated October 8, 2001 wherefrom it appears that the promotional post of Assistant Director is the Deputy Director and that the promotional post of Deputy Director is the Joint Director.
7. The petitioner was serving as the Assistant Director and vide order dated April 30, 2026 she was promoted to the post of Deputy Director in the pay level 17. The post of Joint Registrar in which she has been currently transferred carries lesser pay than that of the Deputy Director.
8. The notification of the Consumer Affairs Department dated May 11, 2015 has been relied upon by the petitioner in support of the submission that the post of Joint Registrar is to be filled up by direct recruitment through the Public Service Commission on regular basis and the same is in pay band 4. Submission of the petitioner is that the post of Joint Registrar cannot be filled up by transferring a Deputy Director in the said post.

9. Reliance has also been placed on the Kolkata Gazette Notification (Extraordinary) dated December 6, 2021 which lays down the rules for recruitment of the Joint Registrar, West Bengal State Consumer Disputes Redressal Commission.
10. The same mentions that 50% of the posts of Joint Registrar may be filled up by selection (direct recruitment) on the result of the West Bengal Civil Services (Executive) Examination from Group C posts and 50% of the posts may be filled up by promotion from the common gradation list (to be maintained by the Government) of the Upper Division Clerk of the District Consumer Disputes Redressal Commission and the West Bengal State Consumer Disputes Redressal Commission having put in five years' service in the feeder post of Upper Division Clerk.
11. Learned counsel for the petitioner contends that the petitioner was not serving either in the District Consumer Disputes Redressal Commission or the State Consumer Disputes Redressal Commission. Accordingly, she cannot be appointed as Joint Registrar on promotion.
12. Prayer has been made to set aside the order of transfer and permit her to continue in the post of Deputy Director in terms of the order dated April 30, 2026.
13. The petitioner was on earned leave on and from May 25, 2026 and thereafter she is on child care leave on and from May 29, 2026 till June 30, 2026.
14. Learned Government Pleader representing the State opposes the submission made by the

petitioner. He submits that the matter may be sent to the OSD & Ex-Officio, Deputy Secretary, Consumer Affairs Department for taking a decision in the matter afresh.

15. Upon hearing the submissions made on behalf of both the parties and on perusal of the records placed before this Court, it appears that the petitioner was promoted from the post of Assistant Director to the post of Deputy Director and the next promotional post of the petitioner is Joint Director.
16. The notification dated December 6, 2021 lays down the rules for recruitment to the post of Joint Registrar, State Consumer Disputes Redressal Commission. It does not appear that the petitioner is eligible for recruitment in the post of the Joint Registrar. She appears to be from a different cadre with an absolutely separate hierarchy.
17. Whether the Deputy Director serving in the Directorate of Consumer Affairs can be transferred on promotion as the Joint Registrar of the Circuit Bench, West Bengal State Consumer Disputes Redressal Commission is questionable.
18. To adjudicate the issue afresh, the entire matter is remanded to the fourth respondent – OSD & Ex-Officio, Deputy Secretary, Consumer Affairs Department, Kolkata – for review of the impugned order of transfer of the petitioner as Joint Registrar dated May 27, 2026 followed by the release order of the same date.
19. A decision shall be taken by the aforesaid respondent strictly in accordance with the relevant rules at the earliest but positively by June 26, 2026.

20. As the petitioner is already on leave till June 30, 2026, accordingly, the decision taken shall be communicated to her immediately thereafter.
21. Till a fresh decision is taken by the aforesaid respondent and communicated to the petitioner, the impugned order of transfer and the release order both dated May 27, 2026 shall be kept in abeyance.
22. The writ petition stands disposed of.
23. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
24. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]