

09-01-2026
ct no. 10
Sl. 22
RP

WPA 22941 of 2025

Manojit Mondal

-Versus-

Bureau of Indian & Ors.

Mr. Sagar Bandhyopadhyay,
Mr. Viswajit Neogi Dasgupta,
Ms. Silpi Ghosh

...for the Petitioner

Mr. Bidhayak Lahiri,
Mr. Bibhu Adhikary,
Mr. Bhaswati Lahiri

...for the respondent nos. 1 to 5.

1. Heard the parties represented through their learned counsel
2. Affidavit-of-service filed by the petitioner be kept on record. Supplementary affidavit filed by the petitioner in Court today be kept in record and the same has been served upon the respondent.
3. The petitioner in the said writ petition has challenged inter alia, the order dated 07.08.2025 passed by the respondent no. 3 wherein the respondent has retained the final grading of the petitioner in the Annual Performance Appraisal Report (hereinafter referred to APAR for the sake of brevity and convenience) for the period of 2023-24.
4. Apropos the facts of the case, the petitioner is an employee of the respondent No. 1 who

joined his service on 01.05.2012 in the post of one of the assistant director of respondent no. 1 belonging to scale of scientist B category. Thereafter the petitioner was upgraded by way of promotion to the category - D.

5. The learned counsel for the petitioner submits that all along the petitioner maintained an unblemished record. The final grading was found to be good and excellent.
6. It is the case of the petitioner that due to raising voice against malpractices of the superior officer in the department, the petitioner was victimized by way of down grading the bench mark in the APAR for six months that is for the period 01.04.2023 to 27.10.2023 based upon a secret note of the integrity of the petitioner.
7. The petitioner submits that the secret note was never communicated to the petitioner for refuting the same.
8. The petitioner drives the attention of this court to a table mentioned in the supplementary affidavit filed by the petitioner to demonstrate that:

Serial No.	Period	Final Grading
1.	01.07.2021 to 11.03.2022	6.6
2.	01.04.2022 to 27.01.2023	7.5
3.	01.04.2023 to 27.10.2023	5.0

4.	30.10.2023 to 31.03.2024	7.5
5.	01.04.2024 to 31.12.2024	7.8
6.	01.01.2025 to 31.03.2025	7.16
7.	01.04.2025 to 30.11.2025	Pending with the reviewing/accepting authority and not received to me yet

It is evident from the table that the final grading of the petitioner always remained to be very good or excellent save and except for the period 01.04.2023 upto 27.10.2023.

9. The final grading for the six months i.e. 01.04.2023 to 27.10.2023 is 5 whereas from 30.10.2023 to 31.10.2024 is 7.5 for the same period in question i.e. 2023-2024.

10. The petitioner asserts by saying that the Reporting Officer being the competent authority denied to give any opportunity to refute the charges as laid down in the secret report.

11. Thereafter the petitioner submits that a representation was subsequently made before the authority concerned on 14th December, 2024 in terms of the office memorandum dated 14th May, 2009 requesting inter alia, to consider the earlier representation pertaining to down grading of the bench mark for the period 01.04.2023 to 27.10.2023. In this

context the petitioner relies upon the Judgment of the Hon'ble Apex Court in the case of ***Union of India and Ors. vs. G.R. Meghwal*** reported in **2022 SCC Online SC 1291** which is reproduced below:-

“30. Therefore, in view of the above and in the facts and circumstances of the case and considering the fact that though the respondent was graded as "Very Good" in the ACRS for the years 2005-2006 and 2006-2007 and was graded only "Good" in the ACR for the year 2007-2008 by the very same reporting and reviewing officer, despite the fact that specifically the respondent was given the opportunity against the ACR for the year 2007-2008. However, no valid reasons are given for rejecting the representation, we are of the opinion that in view of the aforesaid facts and circumstances, the learned Tribunal and the High Court have not committed any error in directing the Department to call for a review meeting of the Screening Committee to re-assess the suitability of the respondent for the purpose of grant of SAG and while doing so to exclude the ACR for the year 2007-2008. Therefore, in the facts and circumstances of the case, no interference of this Court is called for.”

And also by relying upon another case in the case of ***Sanjeev Dhundia vs. Union of India and Ors.*** reported in **2020 SCC Online Del 1842:-**

“20. In the circumstances, we find no justification for the respondent No. 4 to have recorded adverse remarks and to have downgraded the petitioner to the grading of "Good" in the APAR of the petitioner for the period 1st April, 2018 to 31st March, 2019. The order dated 8th May, 2020 rejecting the representation of the petitioner against the adverse remarks and downgrading without considering all these factors and reflecting a non-application of mind, deserves to be and is hereby set aside. The respondents are directed to expunge the adverse remarks and the grading of 'Good' for the relevant period i.e. 1st April, 2018 to 31st March, 2019 and to grant all consequential benefits to the petitioner including a revised benchmark grading of 'Very Good' and to ensure that the DPC, which may be constituted to consider the petitioner for promotion as and when it is due, shall ignore this grading of "Good" for the said period, for the purposes of promotion of the petitioner.”

12. The said representation was considered by the authority concerned vide order dated 07.08.2025, retaining the final grading in the

APAR for the period 2023-24 without assigning any reason whatsoever.

13. The learned Counsel appearing for the respondent no. 1 to 5 submits that he has not obtained proper instruction to apprise the Court with regard to the down grading of the bench mark.

14. After hearing the parties at length upon considering the materials available on records, I find that the order of retention of the final grading in the APAR for the period 2023-24 is very cryptic, arbitrary and not legally sustainable. The concerned authority in a biased manner has passed the order by down grading the petitioner for six months for the period 2023-24 without considering the bench mark for the other years in question which thereby, gives a reflection of and biasness and non-application of mind and the same deserves to be quashed and set aside.

15. The respondents are directed to ignore the lower grade as held for the six months (01.04.2023 to 27.10.2023) for the period 2023-24 and allow him to appear for the second level of screening. Since the respondents have already assessed him for the remaining months for the said period to be very good, the down grade bench mark for only

six months shall not operate as a bar to promotion. Keeping other aspects open, the respondent authorities are at liberty to assess the candidature of the petitioner for promotion at the second level of screening.

16. At this stage no interference is warranted from this Court to decide, as to the eligibility of the petitioner's candidature for promotion in the second level of screening.

17. It is made clear, since no opportunity was afforded to the petitioner to refute the allegation made in the integrity report, the down graded bench mark for only six months be ignored by considering the bench mark for the remaining months to be valid for the period 2023-24 as a bench mark to allow the petitioner for the first level screening.

18. The writ petition being WPA 22941 of 2025 is disposed of by setting aside the order dated 07.08.2025.

(Smita Das De, J.)