

**HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Shekhar B. Saraf, J.

WPA 20532 of 2018

Dr. Lakshmikanta Pahari

-versus-

The Vice Chancellor, Rashtriya Sanskrit Sansthan & Ors.

For the Petitioner : **Mr. Guddu Singh
Ms. Ananya Neogi**

For the Respondent No.5 : **Mr. Ritwik Pattanayak**

Heard On : **September 20, 2023.**

Judgement On : **September 20, 2023.**

Shekhar B. Saraf, J.

Affidavit-in-opposition filed by the respondent no.5 in Court today be kept with the record.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the non-consideration of the writ petitioner's promotion to the Selection Grade Scale.

It is to be noted that the petitioner was promoted as a Senior Lecturer on November 19, 2002. Such promotion was done retrospectively by an order dated December 17, 2009. Subsequently, the petitioner retired in the year 2010.

It is to be noted that within this one year the petitioner had completed one refresher course that was required for promotion for the Selection Grade.

Counsel appearing on behalf of the petitioner submits that normally five years time is required to complete two refresher courses. However, in his case since his promotion to the Senior Lecturer was done retrospectively in the year 2009 and he superannuated in the year 2010, he only had one year for completion of both the refresher courses. He submits that he had completed one of the refresher courses and accordingly, he should have been considered for the promotion to the Selection Grade.

He further submits that this selection grade promotion was looked at in the year 2012, which is much after his superannuation and he was allowed to place his case before the Selection Committee.

Upon considering the factual and legal issues involved in this matter, this Court is of the view that the petitioner should not suffer and lose his promotion due to the fault of the respondent authorities who have only allowed him promotion in the year 2009 from the year 2002 retrospectively.

In light of the same, this writ petition is allowed and the respondents are directed to grant the Selection Grade to the petitioner from the year 2007. Consequential benefits of arrear salary and allowances to be paid to the petitioner within a period of eight weeks from date.

With these above directions, WPA 20532 of 2018 is disposed of.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)