

S/L 11
22.07.2026
Court No.04
B.K.N

W.P.S.T. 81 of 2026

**Dr. Ranajoy Dutta
Vs.
The State of West Bengal & Ors.**

*Mr. M. N. Roy,
Mr. G. Haldar*

...for the Petitioner.

*Ms. Chandreyi Alam, Ld. AGP,
Ms. Runu Mukherjee*

...for the State.

Mr. Saurav Bhattacharjee

...for the P.S.C, W.B.

1. Heard the learned advocate representing the parties.
2. An issue arising for consideration is the petitioner's claim for promotion from the post of Assistant Director to the post of Deputy Director, Horticulture.
3. It appears from the record that the petitioner's deprivation of the said promotion is due to pendency of a departmental proceeding. The State was given an opportunity to file an affidavit-in-opposition. The affidavit-in-opposition states that vigilance clearance was not given at the time recommendations were made to the Commission for taking up the promotion in question due to pendency of a departmental proceeding.
4. The learned AGP heavily relied upon the communications in this regard from the State Vigilance Commission which are annexed to the affidavit-in-opposition. It is submitted that since an integrity certificate was not issued, the petitioner was not considered in the process of promotion.

5. A fact emerging from the record which is not in dispute is that prior to 05.05.2025 there was no departmental or criminal proceeding pending against the writ petitioner. the reliance placed by the learned AGP on the various communications between the State Vigilance Commission and the petitioner's cadre controlling authority have to be viewed keeping in background the fact that when the promotion in question was granted in 2024 with effect from 27.06.2024 no proceeding whatsoever was pending against the writ petitioner.
6. It is stated that Anti Corruption Bureau of the State Vigilance Commission was secretly enquiring into certain alleged irregularities committed in procurement of Knapsack Battery Sprayer 16 litres (ASPEE) supplied by MANJUSHA without observing the procedural requirement of an open tender.
7. Even for the sake of argument, if we accept that such a general enquiry was being undertaken by the Anti Corruption Bureau, the question that arises for consideration is that in contemplation of a departmental proceeding, even if based on such discreet enquiry, whether the petitioner could be denied consideration of his claim for promotion.
8. Such issue is required to be considered with reference to decision of the Hon'ble Supreme Court of India in the case of ***Union of India Etc. Etc. –Vs.- K. V. Jankiraman Etc. Etc.*** reported in ***(1991) 4 SCC 109.***

9. At this juncture we find that the petitioner's junior who was earlier given the promotion and has been made a party in the present proceeding is required to be served a notice before proceeding further in the matter.
10. We adjourn the matter to be taken up on **5th August, 2026.**
11. In the meantime let notice be served on the private respondent no. 5 and affidavit of service be filed on the next date fixed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)