

Item No.74  
23.11.2023  
Court. No. 2  
GB

*CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE JURISDICTION*

W.P.A. 301 of 2023

Suman Rava  
VS  
The State of West Bengal & Ors.

*Ms. Suman Sehanabis (Mandal),  
Mr. Sabek Sah*

*...for the Petitioner.*

*Mr. Hirak Barman,*

*...for the State.*

*Mr. Pretom Das*

*...for the Zilla Parishad.*

This matter has to be heard on affidavits from the State respondents. The zilla parishad has already filed affidavit-in-opposition. The petitioner has filed affidavit-in-reply. The zilla parishad submits that the answering respondent is the State as the zilla parishad has acted as the forwarding authority, by sending all the papers relating to the pay protection claimed by the petitioner for the past service rendered as a work assistant in the zilla parishad.

Mr. Barman, learned advocate appearing on behalf of the State respondents submits that as the petitioner was freshly appointed as Lower Division Assistant in a open competitive examination held in a recruitment process initiated by the zilla parishad, the question of pay protection would not arise.

The rules provide that 10% of work assistants can be promoted to the post of Lower Division Assistant on the basis of merit cum seniority. Whereas, the petitioner applied for the post and appeared at the examination held along with all candidates sponsored by the District Employment Exchange.

To this, the petitioner contends that if the appointment was a fresh appointment as a Lower Division Assistant, the question of counting the past services rendered as work assistance would not arise.

Let this matter be placed before the next available circuit Bench after compliance of all affidavits.

Let affidavit-in-opposition be filed within a period of two weeks; reply thereto, if any, be filed within a week thereafter.

Liberty to mention.

**(Shampa Sarkar, J.)**