



IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: HON'BLE JUSTICE SHAMPA DUTT (PAUL)

WPA/596/2025

Smti. Monalisa Biswas

... Petitioner

Versus

The Chief Secretary and Others

... Respondents

For the Petitioner

: Mr. Gopala Binnu Kumar

For the Respondents

: Mr. Rakesh Kumar

Heard on

: 15.12.2025

Judgment on

: 19.12.2025

SHAMPA DUTT (PAUL), J.

1. The petitioner herein has approached the High Court without approaching Central Administrative Tribunal by citing the judgment of the Supreme Court in ***Madras Bar Association – versus – Union of India and Another*** reported in ***Writ Petition (C) No. 1018 of 2021 [Paragraphs 4, 6 to 10, 15, 16, 135, 142, 151, 153, 154, 155]***.

2. Accordingly, the writ application is taken up for hearing.

3. The writ application has been preferred praying for setting aside the part of the Impugned Office-Order No. 1173 dated 25th of November 2025 issued by the respondent No. 3 whereby the



final seniority in respect of Mukhya Sevika under the respondent No. 3 was issued by the respondent No. 3 and the private respondents no. 5 and 6 who ranked below the petitioner in the merit list in the selection process for appointment to the post of Mukhya Sevika under the respondent No. 4 were placed on and above the petitioner and all consequent order/orders issued on the basis of the same by the respondent authorities.

4. The petitioner has further prayed for directing the respondent No. 3 to act strictly in terms of the seniority list dated **13th of December 2012** issued by the Assistant Director (Admn.) immediately after the appointment of the petitioner to the post of Mukhya Sevika and to maintain the seniority position of Mukhya Sevika accordingly and issue necessary seniority list.

5. Learned Counsel for the petitioner submits that vide an **office order No. 1353 dated 22.10.2009** the petitioner herein was recommended for selection and was **appointed to the post of Mukhya Sevika** under the Directorate of Social Welfare.

6. **The petitioner's name in the panel stood at no. 6 and the responder no. 4 was placed at no. 3 and the respondent no. 5 was placed at no. 5. As such, in the appointment order,**



the petitioner was ranked below the respondents no. 4 and 5.

7. Mr. Gopala Binnu Kumar, learned Counsel for the petitioner has relied upon a seniority list dated 13.12.2012 wherein it appears that petitioner is at no. 19 and the respondent no. 4 is at no. 20 and the respondent no. 5 is at no. 21.

8. The provisional seniority list was then circulated calling for objections vide a Circular dated 5th April, 2013.

9. In the **provisional seniority list dated 05.04.2013** which was prepared on the basis of the Circular dated 05.04.2013, the name of the respondent no. 4 appeared at no. 19, the respondent no. 5 appeared at no. 20 and the petitioner at no. 21.

10. It is the case of the petitioner that as she was senior to the two private respondents in the “final” seniority list dated 13.12.2012, the authorities concerned vide their provisional seniority list dated 05.04.2013 have arbitrarily put the petitioner in the said seniority list after the respondents no. 4 and 5.



11. The petitioner also preferred a representation before the Directorate of Social Welfare challenging the said list on the same grounds as raised in the writ application and prayed for certain documents.

12. Vide an order dated 28.08.2025, the Assistant Director (Administration) circulated the draft seniority list again calling for objections and the draft seniority list annexed to the said Circular dated 28.08.2025 shows that the respondent no. 4 has been placed at no. 9, the petitioner at no. 10 and the respondent no. 5 at no. 11.

13. Being aggrieved, the petitioner has again raised her objection by way of a letter dated 09.09.2025 before the authority concerned along with all the relevant documents in support of her prayer.

14. Finally, by an Order dated 25.11.2025 vide an office order No. 1173 issued by the Directorate of Social Welfare, the final seniority list was declared wherein the respondent no. 4 stood at no. 9, the respondent no. 5 stood at no. 10 and the petitioner herein at no. 11. The said ranking matched with office order/initial appointment letter dated 22.10.2009.



15. On hearing the learned Counsels for the petitioner and the administration and on perusal of the materials on record it appears that from time to time the authority concerned by way of internal assessment which may include assessment on the basis of merit cum seniority have published draft provisional seniority list and on receiving and considering the objections received against the said list have **published final seniority list.**

16. The grievance of the petitioner zeros down to the fact that her seniority as per the final seniority list dated 13.12.2012 has not been maintained and as the same has not been maintained, she has been prejudiced.

17. At this stage, the appointment letter vide office order No. 1353 dated 22.10.2009 becomes very relevant. In the said office order, the respondent no. 4 was placed at no. 3, the respondent no. 5 was placed at no. 5 and the petitioner herein was placed after them at no. 6 and as such, **both the respondents no. 4 and 5 were placed at a higher rank than that of the petitioner.**

18. Subsequently, time to time the provisional seniority list and the final seniority list have shown the (changing) rank/ position of the parties herein being decided by the authorities concerned.



19. Thus, considering the said facts as stated the petitioner herein, in the initial appointment letter admittedly the last among the petitioner and the respondents no. 4 and 5, was the petitioner. Admittedly, the office order dated 22.10.2009 was never challenged by the petitioner.

20. **Common Reasons for Changes in seniority list are :**

(i) Rule Clarification/Policy Change:

Government clarifications (like DOPT OMs) or new rules can alter how seniority is calculated (e.g., between direct recruits and promotees).

(ii) Corrections of Errors: *If the initial list had a clear, gross error or violated natural justice, it can be corrected.*

(iii) Transfers: *For transfers requested by an employee for personal reasons, seniority in the new post often starts from the transfer date.*

(iv) Absorption/Cadre Change: *Seniority for absorbed employees (e.g., from one department to another) usually starts from the absorption date.*



(v) Mutual Exchange: *Employees exchanging posts may take the seniority of the person they swapped with or retain their old one, whichever is lower.*

21. Thus, the Final Seniority List dated 13.12.2013, which appears to be in favour of the petitioner and the petitioner also claims seniority on the basis of the said list is admittedly not as per the seniority in the office order/appointment letter dated 22.10.2009 of the petitioner and the respondent no. 4 and 5, where in the petitioner had ranked last among these three.

22. No government clarification/rules/regulations have been placed to justify the change in seniority in the list dated 13.12.2013 upon which the petitioner relies.

23. Nor is there any case of correction of errors, transfers, absorption/cadre change or mutual exchange to support the change in seniority from that in the appointment letter/office order no. 1353 dated 22.10.2009 to the seniority list dated 13.12.2012, upon which the petitioner relies and claims seniority over the respondent no. 4 and 5.

24. As such the validity of the seniority list dated 13.12.2012 upon which the petitioner relies is also to be looked into, considering that the said list as to seniority is not as per the



seniority in the appointment letter and is also not supported with reasons for such change.

25. But the impugned Final Order dated 25.11.2025 vide Office Order No. 1173 of the Directorate of Social Welfare shows the seniority as in the appointment letter and as such appears to be prima facie in accordance with law and thus, there are no materials on record to show that the impugned office order dated 25.11.2025 suffers from any illegality.

26. As such, the writ application having no merit, stands dismissed.

27. All connected application, if any, stands disposed of.

28. Urgent Photostat certified copy of this judgment, if applied for, shall be supplied to the parties as expeditiously as possible, upon compliance of all formalities.

[SHAMPA DUTT (PAUL), J.]