

PREFACE

The seniority principle in government service is widely prevalent as a method of promotion in most countries. Under this principle, promotion is determined on the basis of the length of service of the employee. In general, an employee who has served longer is eligible for promotion. On the basis of this principle an employee is promoted to a higher grade or class. Seniority is one of the most important matters relating to conditions of service because it has a direct bearing on the question of promotion to the next higher cadre. Therefore, the seniority under the rules is a civil right. The seniority of a civil servant does not depend upon how it is fixed by the concerned authority. It stands automatically determined according to the rules. The constitutionality of seniority rules can be challenged on the grounds of their unreasonableness, justness and fairness. Every government organisation and department is empowered to formulate their own seniority norms based upon the constitutional principle of equality of opportunity under Art. 16 and this makes the study of the subject matter complex. This thesis is the culmination of sincere efforts made to make available relevant literature on the subject of seniority and promotion in Services under the State in a single source.

This thesis has been kept on track and been seen through to completion with the support and encouragement of a number of people.

This feat wouldn't be possible but for the unconditional support and valuable guidance of my supervisor Prof. (Dr.) Rathin Bandyopadhyay, Professor and Head, Department of Law, University of North Bengal. A person with amicable and positive disposition, he has made himself available to clarify my doubts despite his busy schedules and I consider it as a great opportunity to complete my doctoral programme under his able guidance and to learn from his research expertise. I am extremely grateful to him for his valuable guidance, scholarly inputs and consistent encouragement.

I take this opportunity to thank Prof. (Dr.) Gangotri Chakraborty, Professor, Department of Law for her valuable inputs and advise during my synopsis and pre-

submission seminar of my Ph.D. work. I also thank Dr. Sujit Kumar Biswas, for his helpful suggestions and comments with respect to my area of research.

I owe my heartfelt gratitude to Dr. Sangeeta Mandal, Assistant Professor and my colleague, Department of Law, University of North Bengal, for extending her help, mental and physical, at various phases of this research and for providing me with material and links that I could not have possibly discovered on my own.

I also thank Dr. Rajendra Dhar Dubey, Associate Professor and Head, Department of Law, Coochbehar Panchanan Barma University, and Dr. Om Prakash Sharma, Assistant Professor and Head, Department of Law, Gour Banga University, for their timely help and encouragement.

My thanks are also due to my other colleagues Dr. Chandrani Chatterjee, Ms. Sanyukta Moitra, Ms. Taniya Basu Majumdar, Mr. Sanjay Dutta, Ms. Debarati Chanda, Ms. Priya Roy, Mr. Biresh Prasad, Mr. Soumalya Ghosh and Mr. Sunam Thapa for their moral support.

Mr. Sudipta Burman, Independent Social Consultant, Kolkata, deserves my sincere expression of gratitude for assisting me in collection of data for the purpose of the empirical study done in the thesis.

This thesis would not have come to a successful completion, without the help I received from the Library Staff of the Department of Law and the Central Library, University of the North Bengal. I specially thank Mr. Santanu Chanda, Assistant Librarian and Mr. Amal Dhar, Library Staff of the Department of Law for all the help that they have extended for my work. I sincerely thank Mr. Sushanta Bannerjee, Director, Library of the American Centre, Kolkata and Mr. Debashish Ghosh, Staff, Library of the American Centre, Kolkata, Library Staff of the West Bengal National University of Juridical Sciences, Kolkata, the Indian Law Institute, New Delhi, the Indian Institute of Public Administration, New Delhi, the National Library, Kolkata, for extending all kinds of cooperation in collection of material and completion of my research.

I owe every bit of the successful completion of this thesis to my family for their encouragement who longed to see this achievement come true. My husband, Mr. Alokesh Chakraborty and my daughter, Pratishtha, have been my pillars of support. I

am indebted to both, my mother, Mrs. Debomitra Dey Sarkar and my mother-in-law, Mrs. Sandhya Chakraborty, who supported me in every possible way to see the completion of this work.

I am highly indebted to my siblings, Moon Moon, Uma and Srinath who have helped me in the analysis of the data and in the editing process.

At this moment of accomplishment, I would like to pay homage to my father, Late Paritosh Dey Sarkar and my former supervisor, Late Prof. B.P. Dwivedi who have untimely left for their heavenly abode. Their conviction will continue inspiring me. I dedicate this work to my father and Late Prof. B.P. Dwivedi.

Date: 30-08-2018


Soma Dey Sarkar