

S/L
Item No. 3-7
20.11.2020
(Video Conference)
jb/rc

WPST No. 78 of 2020
Sri Tanmoy Chatterjee
-Vs-
The State of West Bengal & Ors.
and
WPST No. 79 of 2020
Subhas Chandra Patra
-Vs-
The State of West Bengal & Ors.
and
WPST No. 80 of 2020
Netai Chandra Josh
-Vs-
The State of West Bengal & Ors.
and
WPST No. 81 of 2020
Laltu Majumder
-Vs-
The State of West Bengal & Ors.
and
WPST No. 82 of 2020
Anup Kumar Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Shamik Chatterjee
Mrs. Souma Subhra Ray,

...for the petitioners.

Mr. Tapan Kumar Mukherjee,
Mr. Somnath Naskar
Mr. Arjun Roy Mukherjee
Mr. Sougata Mitra

...for the State.

These writ petitions are against a common order
passed by the State Administrative Tribunal and are
disposed of by this common judgment and order.

We have heard the learned advocates appearing for the petitioners as also the learned advocates appearing for the State.

The petitioners challenge an order passed by the State Administrative Tribunal refusing to interfere and direct the State Government to consider the applications of the petitioners for being considered for regular recruitment simply on the premises that they were contractual employees as Drivers for quite sometime and were eligible for preferential treatment, particularly, because of the fact that some of them have crossed the age limit for direct recruitment. It is a matter of record that applications were invited for direct recruitment.

We have perused the impugned order of the Tribunal which has been rendered after considering the binding judicial precedent of this Court that having regard to the quality of employment as contractual appointees the petitioners could not claim any preferential treatment either for regularisation or preferential treatment while persons are recruited under the direct recruitment process. The substantive rules and the notification do not provide for modifying the age limit as regards persons who are employed as contract appointees. The recruitment process has not yet been completed but that does not mean that the contract appointees could be provided any preferential treatment as sought for by the petitioners.

We do not see any illegality or impropriety in the decision of the learned Tribunal which would warrant inference at our hands either under Article 226 or Article 227 of the Constitution.

Hence, the applications being WPST No. 78 of 2020, WPST No. 79 of 2020, WPST No. 80 of 2020, WPST No. 81 of 2020 and WPST No. 82 of 2020 are dismissed.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)