

10-03-2021
ct no. 13
Sl.13
sp

WPA 5261 of 2020
With
CAN 1 of 2021
Hemanta Prasad Saren
-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Ms. Pampa Dey (Dhabal)

...for the petitioner

Mr. Debabrata Chatterjee,
Mr. Dipnil Banerjee

.... for the State

The petitioner is aggrieved by a corrigendum dated December 4, 2017 being Order No. 303, which sought to correct Order No. 289 dated November 14, 2017.

By Order No. 289, the promotion to the post of U.D.C. from L.D.C. in the category of Group-C was published. The petitioner was in said list. The date of effect of promotion to the post of U.D.C. was stated to be December 22, 2015. The said order was corrected to apply from the date of the promotion process as opposed to the date on which the promottee post felt vacant. Consequently, the petitioner's promotion was with effect from 01.11.2017 and the petitioner was posted in place of vacancy no. 26. However, the petitioner claims that sometime on November 21, 2019, two years after being promoted, he made a request under the RTI Act, 2005 for information before the authorities at Bankura.

By orders dated November 14, 2017 and November 21, 2019, the Judicial Magistrate, Bankura informed the petitioner that the petitioner was promoted with effect from 01.11.2017.

By an order dated November 21, 2019 with promotions to the post of Typist – Copyist Grade-I has been given with retrospective effect from 2015. The petitioner, therefore, claims that he ought to have been promoted in the year 2017, with effect from 2015 as well.

This Court notes that the correction made under Order No. 303 was based on a notification of the Government of West Bengal dated April 17, 2019. The Order No. 27 of the year 2019 was in different circumstances and for a different post.

It must also be noted that the said promotion process in respect of Typist – Copyist was a one time measure since the Government had decided to stop recruitment to the post altogether.

The petitioner cannot claim any parity with a special promotion process effected in special circumstances for a completely different post.

The claims made by the petitioner cannot, therefore, be entertained.

Hence, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

In view of the above, CAN 1 of 2021 is disposed of.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)