

Dd 10 31.08.2023

WP.ST 03 of 2016
with
I.A NO: CAN 2/2023

Sri Narayan Chandra Biswas & Ors.
Vs.
State of West Bengal & Anr.

Mr. Sudarsan Roy,
Ms. Sabana Khatun, Advocates
... ... For the Petitioners

Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole,
Mr. Avishek Prasad, Advocates
... ... For the State

In re: I.A NO: CAN 2/2023

CAN 2/2023 is an application for recalling an order of dismissal of a restoration application. For the ends of justice and on the basis of the pleadings in the application, CAN 2/2023 is **allowed**. Order of dismissal of the restoration application dated August 17, 2023 is recalled. CAN 1/2023 is restored to its file and number.

In re: I.A NO: CAN 1/2023

CAN 1/2023 is an application for recalling the order of dismissal of the writ petition dated August 4, 2023. For the ends of justice and considering the pleadings in the application, order of dismissal of the writ petition dated August 4, 2023 is recalled. CAN 1/2023 is **allowed**. WP.ST 03 of 2016 is restored to its file and number.

In re : WP.ST 03 of 2016

The writ petition is directed against an order dated June 30, 2015 passed in OA 859 of 2013 by the West Bengal Administrative Tribunal.

By the impugned order, the learned Tribunal did not find any merit in the claim of the writ petitioners for promotion to 23 posts of backlog reserved vacancies.

The writ petitioners approached the Tribunal with an original application being OA 1130 of 2012 which was disposed of by the Tribunal by its order dated November 29, 2012 by directing the authorities to consider the grievances of the writ petitioners for promotion as claimed in such application by treating such application as a representation.

The Principal Secretary, Public Health Engineering Department passed a reasoned order dated April 30, 2013 rejecting the claim of the writ petitioners.

The writ petitioners, thereafter, filed OA 859 of 2013 which resulted in the impugned order.

The essential claim of the writ petitioners is for promotion to the backlog reserved vacancies.

We repeatedly called upon the learned advocate for the writ petitioners to establish that there were backlog reserved vacancies for consideration of the writ petitioners for promotion to such posts at the relevant point of time.

Learned advocate for the writ petitioners is unable to demonstrate the same.

The order of the Principal Secretary dated April 30, 2013 is a well-reasoned one. It takes into consideration the 50-point roster. It proceeds to negate the claim of the writ petitioners. Tribunal also

found no infirmity with the reasoned order of the Principal Secretary.

In such circumstances, we find no merit in the present writ petition.

WP.ST 03 of 2016 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)