

WP.ST 54 of 2015
CAN 1 of 2023

Smt. Bandana Biswas
Vs.
The State of West Bengal & Ors.

Mr. Shambhunath Ray
Ms. Amrita Tewari
Ms. Tuhina Parvin
Mr. Bikramjit Mondal
... for the petitioner

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Somnath Naskar
... for the State

CAN 1 of 2023

For the ends of justice and in view of the pleadings contained in the application for restoration, the order dated August 8, 2023 dismissing the writ petition is recalled.

WP.ST 54 of 2015 is restored to its original file and number.

CAN 1 of 2023 is disposed of.

The writ petition is directed against an order dated January 21, 2015 passed in O.A. 1100 of 2012 by the West Bengal Administrative Tribunal.

By the impugned order, the learned Tribunal, did not find any merits with regard to the claim made by the writ

petitioner that, she was unfairly denied promotion to the post of 'Supervisor Head Clerk'.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner is a scheduled caste candidate. The finding recorded in the impugned order dated January 21, 2015 that, no SC/ST candidates are available within the zone of consideration on either of the two occasions was incorrect. The writ petitioner was the only SC candidate available. Therefore, denial of promotion to the post of 'Supervisor Head Clerk' to the writ petitioner was wrong.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner will super-annuate in 2024. The writ petitioner was granted promotion to the 'Supervisor Head Clerk' subsequently. He submits that, notional benefit of promotion to the post of 'Supervisor Head Clerk' be given to the writ petitioner w.e.f. 2010 so that, ill-feelings of the writ petitioner and her mis-living are removed.

Learned senior advocate appearing for the State submits that, the vacancies in the post of 'Supervisor Head Clerk' occurred on two occasions namely, January 1, 2011 and February 1, 2012. Following the 50 point roster and the

government order dated March 6, 1981 of the Finance Department, such post of 'Supervisor Head Clerk' were filled up. Each time five 'Upper Division Clerk' (UDC) as per seniority in the gradation list were considered. In both the occasions, the writ petitioner did not feature in the list of five UDC's as per seniority for the purpose considering the writ petitioner to be promoted to the post of 'Supervisor Head Clerk'. Consequently, the writ petitioner was not granted the promotion.

The writ petitioner in the original application, seeks grant of promotion to the post of 'Supervisor Head Clerk' from 2010.

UDC is the feeder post to the 'Supervisor Head Clerk'. On two occasions, vacancies occurred in the post of 'Supervisor Head Clerk', namely, January 1, 2011 and February 1, 2012.

The authorities proceeded to consider promotion to the post of 'Supervisor Head Clerk' from five UDC candidates as per seniority in the gradation list of UDC candidates in those two occasions. In both the occasions, the writ petitioner, by virtue of her position in the gradation list of the UDC did not come within the zone of consideration.

The gradation list of UDC is not under challenge. Simplicitor on the basis of the writ petitioner being SC although she is not within the zone of consideration her aspiration for promotion to the 'Supervisor Head Clerk' cannot be upheld. She was granted the promotion when she came within the zone of consideration.

The learned Tribunal considered such aspect while denying the claim for promotion for the post of 'Supervisor Head Clerk' made by the writ petitioner.

In such circumstances, we find no infirmity in such decision of the learned Tribunal.

WP.ST 54 of 2015 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)