

13.07.2023
Item No. **57ML**
Ct. No.5
CHC

W.P.S.T.41 of 2019

Mrityunjoy Gangopadhyay
Vs.
The State of West Bengal & ors.

Mr. Asok Kumar Ganguly
...for the petitioner

Mr. Shankha Ghosh,
Mr. Biswarup Nandy,
Mr. Rajesh Kumar Shah
...for the respondent no.4

The writ petition is directed against an order dated November 19, 2018 passed in O.A.1138 of 2015 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal rejected the claim for promotion made by the petitioner.

Learned advocate appearing for the petitioner relies upon a Notification dated February 4, 2013 issued for the purpose of various posts including Agricultural Assistant. According to him, the petitioner is entitled to be promoted to the post of Agricultural Assistant. He refers to the contents of such notification.

Respondent no.4 is represented.

Petitioner was appointed to the post of Laboratory Assistant. Petitioner received two benefits under the Career Advancement Scheme.

Petitioner superannuated in the meantime.

During his period of service, authorities undertook a selection process by the Notification dated February 4, 2013. By such Notification the post of Agricultural Assistant was sought to be filled by selection (direct recruitment) through the Public Service Commission, West Bengal or by promotion of candidates.

The authorities chose to appoint Agricultural Assistant through direct recruitment in terms of the Notification dated February 4, 2013.

The Tribunal, by the impugned order not only noted that the petitioner received two CAS benefits but as also the fact that, no one junior to the petitioner was promoted to the post of Agricultural Assistant.

Authorities undertook direct recruitment process for filling up the post of Agricultural Assistant in terms of Notification dated February 4, 2013. Question of granting promotion to the petitioner to such post does not arise. Moreover, no one junior to the petitioner was promoted to such post.

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

W.P.S.T. 41 of 2019 is dismissed without any
order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)