

Dd 20 28.08.2023

WP.ST 348 of 2013

***Dr. Nitya Ranjan Das & Ors.
Vs.
The State of West Bengal & Ors.***

*Mr. Krishnendu Bera, Advocate
... ... For the Petitioners*

*Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole,
Mr. Somnath Naskar, Advocates
... ... For the State*

The writ petition is directed against an order dated June 12, 2013 passed by the West Bengal Administrative Tribunal in OA 77 of 2009.

By the impugned order, the Tribunal refused to grant any relief to the writ petitioners.

Learned advocate appearing for the writ petitioners submits that the writ petitioners were initially appointed on *ad hoc* basis. Subsequently, they participated in the selection process of Public Service Commission and were ultimately selected. They were subsequently regularized in their service with effect from the date of their appointments.

Learned advocate appearing for the writ petitioners submits that, by a notification dated July 4, 2003, *ad hoc* appointments to the post of Homeopathic Medical Officers, such as that of the writ petitioners, for a certain period of time, were regularized from the date of their *ad hoc* appointments. By such notification *ad hoc* appointees became senior to the writ petitioners. The writ petitioners were granted appointments from

the date of their regularization and not from the date of their *ad hoc* appointments while the other batch of Homeopathic Medical Officers, who were also appointed on *ad hoc* basis, were given the benefit of appointments from the initial date of *ad hoc* appointments, although they could not qualify in the Public Service Commission examination.

Learned advocate for the writ petitioners refers to various orders passed from time to time including those of the Tribunal.

State is represented.

The dispute is with regard to the date of appointments of *ad hoc* appointees to the post of Homeopathic Medical Officers. One batch of *ad hoc* appointees were given appointments from the date of their *ad hoc* appointments by the notification dated July 4, 2003. The petitioners were denied the same facility.

The notification dated July 4, 2003 was assailed in the original application which gave rise to the impugned order.

The notification assailed was of July 4, 2003. It was assailed 6 years thereafter before the Tribunal in the original application.

The challenge to such notification failed as appearing from the impugned order.

Writ petitioners cannot claim negative equality. Moreover, their appointments were from a particular date as appearing from the notification governing the writ petitioners. The writ petitioners never challenged their appointments as given from the particular date.

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

WP.ST 348 of 2013 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)