

Dd 31 20.07.2023

WP.ST 492 of 2013

**Sri Arun Kumar Das
Vs.
The State of West Bengal & Ors.**

*Mr. Surojit Samanta,
Mr. B. L. Sahoo,
Mr. S.P. Roy, Advocates
... .. For the Petitioner*

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

The writ petition is directed against an order dated February 16, 2010 passed by the West Bengal Administrative Tribunal in OA 12706 of 2007.

The writ petitioner approached the Tribunal primarily with two fold prayers which are noted in paragraph 5 of the impugned order.

The writ petitioner is essentially aggrieved by the cancellation of his promotion and the promotion being granted to on Dipankar Sur who was a general category candidate.

Learned advocate for the writ petitioner submits that the writ petitioner belongs to the Scheduled Caste category and was granted the promotion. The authorities revoked the promotion granted to the writ petitioner and granted promotion to a general category candidate.

Learned advocate appearing for the writ petitioner relies upon a memo dated March 31, 1995 which deals with filling up of the post of Binders in the Press and Forms Department, State of West Bengal.

State is represented.

None appears for the private respondent despite service. Affidavit-of-service filed be taken on record.

The exercise to fill up 15 vacant posts of Binder in the Press and Forms Department, State of West Bengal was undertaken subsequent to Memo dated March 31, 1995.

The memo dated March 31, 1995 contemplates that there should be reservation in accordance with law and that, there must be a selection committee constituted who will select the candidates from amongst bona fide candidates.

An exercise to fill up 14 posts were undertaken. 10 posts were from the general quota and 4 from the reserved quota. Candidates appearing in the selection process were evaluated. The selection was on the basis of merit. On the basis of merit two persons belonging to the reserved category were found better than the general category candidates and were fitted in the general quota.

After two persons of the reserved quota were fitted into General quota, 8 posts remained vacant. Dipankar Sur is a General category candidate and obtained way better marks than the petitioner. He was given the promotion. Petitioner was wrongly promoted and, therefore, such incorrect action of the authorities was corrected.

The contention of the writ petitioner was elaborately dealt with by the Tribunal in paragraph 5 of the impugned order.

Nothing is placed on record to establish the findings rendered by the Tribunal are perverse.

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

WP.ST 492 of 2013 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)