

DL-5  
14.08.2024  
Court No.26  
(AD)

**RVW 105 of 2024**  
**With**  
**IA No.: CAN 1 of 2024**  
**In**  
**WP.ST 3 of 2016**

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

*Mr. Diptomoy Talukder*  
*Mr. M. Hossain*  
*Ms. Reshmi Hossain*  
*Ms. Mohua Biswas*

*... for the petitioners*

*Mr. Tapan Kumar Mukherjee,*  
*Ld. Sr. Advocate & Ld. AGP*  
*Ms. Sangeeta Roy*

*... for the State*

1. Review applicants seek review of the order dated August 31, 2023 passed in WP.ST 3 of 2016.
2. Learned Advocate appearing for the review applicants submits that, review applicants were not considered for the vacancies that were existing.
3. Learned Additional Government Pleader appearing for the respondents submits that, as and when there is a vacancy in the post concerned, persons who fall within the zone of consideration of such vacancy will be considered and if found suitable granted promotion.
4. We disposed of WP.ST 3 of 2016 by the order dated August 31, 2023 by not finding any merit in such writ petition.
5. We noted in the order dated August 31, 2023 that, the essential claim of the review applicants was

for promotion to the backlog reserved vacancies.

6. It is for the employer to decide on the necessity of filling up a vacancy by promotion. Therefore, in the event, the employer undertakes an exercise of filling up a vacancy, no doubt, they will do so in accordance with law and will take into consideration of persons who are within the zone of consideration for the same.
7. We clarify that, we are not directing the employer to undertake promotion with any retrospective effect. Our order is limited to any promotion that the employer undertakes henceforth.
8. **RVW 105 of 2024** in **WP.ST 3 of 2016** along with all connected applications are disposed of accordingly.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**