

18.07.2024
Item No.04
Court No.11
Avijit Mitra

WP.ST 139 of 2024

In re: An application under Article 226 of the Constitution of India;

And

**Samapti Chanda & anr.
Versus
State of West Bengal & ors.**

Mr. Pratik Dhar, Sr. Adv.,
Mr. Ritwik Pattanayak,
Ms. Cardina Roy

...for the petitioners

Ms. Sonal Sinha,
Mr. Amrit Lal Chatterjee

...for the State respondents

Mr. Pran Gopal Das

...for the respondent nos.5, 7,10,15,17,
20-23 & 26

Affidavit-of-service filed by the petitioners be kept on record.

Mr. Dhar, learned senior advocate appearing for the petitioners submits that the respondents are taking steps towards promotion to the post of Senior Lecturer from the post of Clinical Instructor without following the notification dated 22nd October, 1982 and as a consequence thereof, the petitioners would be the worst sufferers.

Mr. Dhar has also drawn our attention to the earlier order passed by the learned Tribunal in OA 628 of 2017 wherein the learned Tribunal *inter alia* observed that '*the experience of the applicants as nursing personnel in West Bengal Nursing Service before their lateral*

induction into the cadre of Clinical Instructor may be taken into consideration for their further promotion to the post of Senior Lecturer in terms of the provisions of the W.B. Teaching Service of Nursing Rules, 2013’.

Ms. Sinha, learned advocate appearing for the State respondents and Mr. Das, learned advocate appearing for the respondent nos.5, 7,10,15,17, 20-23 and 26 deny and dispute the contention of the petitioner.

Records reveal that by an order dated 9th May, 2024, the learned Tribunal admitted the application and observed that the petitioner’s prayer for *interim* order would be taken up for hearing on 13th June, 2024. Thereafter, on 13th June, 2024, the learned Tribunal fixed the matter for further hearing on 28th November, 2024 calling upon the respondents to file a reply ‘*mentioning how many from the lateral entry were promoted to the post of “Senior Lecturer” after publication of the Gradation List*’ and indicating ‘*the reasons regarding non-consideration of promotion to the post of Senior Lecturer for these two applicants*’.

In the said conspectus, no interference is called for in the present writ petition and we also do not find any acceptable reason towards issuance of any direction for preponement and disposal of the original application.

We have been informed that the respondents have already filed their reply before the learned Tribunal and a copy of the same has been served upon the learned

advocate appearing for the petitioners in the learned Tribunal. The petitioners would be at liberty to file a rejoinder to the same within a period of four weeks from date with copies to the respondents.

Needless to observe the learned Tribunal would make a sincere endeavour to dispose of the original application finally on the returnable date or as expeditiously as possible thereafter, without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty, J.)