

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak**

And

**The Hon'ble Justice Md. Shabbar Rashidi**

**WP.ST 152 of 2024**

**SANJIB SARKAR**

**VS.**

**STATE OF WEST BENGAL AND ORS.**

For the Petitioner : Mr. Saibal Acharjee,  
Mr. Ambu Bindu Chakraborty, Advocates

For the State : Mr. Tapan Kumar Mukherjee, AGP  
Mr. Pinaki Dhole,  
Mr. Somnath Naskar,  
Mr. Alok Banerjee, Advocates

Heard and Judgement on: August 22, 2024

**DEBANGSU BASAK, J.**

- 1.** Writ petition is directed against an order dated July 14, 2023 passed in OA 12 of 2023 passed by the West Bengal Administrative Tribunal.
- 2.** Writ petitioner claims promotional and other service benefits from his first appointment with effect from May 26, 2004 instead of June 26, 2015.
- 3.** Learned advocate appearing for the writ petitioner submits that, a similar circumstanced person was granted relief by the co-ordinate Bench in WPST 184 of 2023 by the order dated March 8, 2024. He submits that,

the writ petitioner and such other person as similarly situated and circumstanced.

**4.** State are represented.

**5.** In the facts of the present case, the writ petitioner was allowed to join as a constable on June 26, 2015 with the West Bengal Police pursuant to order of the High Court passed in WPST 394 of 2002. Subsequent to his joining, writ petitioner made a representation for grant of all promotional and other service benefits from his first appointment with effect from May 26, 2004 instead of June 26, 2015.

**6.** The Authorities not taking any steps with regard to such representation, the writ petitioner moved the Tribunal being OA 395 of 2020 praying promotional and other service benefits from his first appointment with effect from May 26, 2004. Tribunal disposed of such OA 395 of 2020 with a direction upon the Authorities to pass a reasoned order. Superintendent of Police, Purba Medinipur passed a reasoned order dated July 13, 2022. Claim for promotion and other service benefits with effect from May 26, 2004 was rejected.

**7.** Writ petitioner filed another application before the Tribunal being OA 395 of 2020 seeking notional promotion and service benefits. Such application being OA 395 of 2020 was disposed of with a direction to pass a reasoned order. Reasoned order was passed by the Authorities on July 13, 2022. Such reasoned order was challenged in OA 12 of 2023 resulting in the impugned order dated July 14, 2023.

**8.** Writ petitioner participated in a selection process for appointment of constable. Writ petitioner was recruited as a constable of the West Bengal Police and was sent for training on May 26, 2004. Discrepancy was detected in the date of birth and other materials submitted by him, and

consequently, the writ petitioner was sent back from training. Matter was inquired into whereupon the Authorities found that the writ petitioner did not study in the school and produced fake documents to enroll his name with the Employment Exchange who sponsored the candidature of the writ petitioner.

**9.** A First Information Report as against the writ petitioner was lodged on August 10, 2004 relating to forgery and cheating. Court is informed that the writ petitioner stood acquitted in the criminal proceedings.

**10.** Writ petitioner approached the Tribunal as also the High Court with regard thereto. Writ petition of the writ petitioner being WPST 394 of 2012 was disposed of by a judgment and order dated November 29, 2013. The State Authorities were directed to allow the writ petitioner to undergo the requisite training and, thereafter, join the police force as 'constable' by issuing appropriate orders within period of four weeks from the date of communication of this order.

**11.** Special Leave Petition was preferred against the judgment and order dated November 29, 2013 in WPST 394 of 2012 which was dismissed by the Hon'ble Supreme Court on October 13, 2014.

**12.** Writ petitioner joined the service after undergoing training on June 26, 2015.

**13.** Joining the service by the writ petitioner on May 26, 2004 was not complete since, the writ petitioner did not undergo the requisite training. Writ petitioner underwent the requisite training for the purpose of joining which is a condition precedent for joining only on June 26, 2015.

**14.** The judgment and order dated November 29, 2013 which allowed the writ petitioner to join services upon undergoing the requisite training

does not provide for arrears of salary or service benefits actually or notionally.

**15.** As noted above, undergoing requisite training is a pre-requisite for the purpose of joining the post. Training was underwent in the year 2015. On completion of training, writ petitioner joined on March 8, 2016. Consequently, writ petitioner cannot be allowed the benefit of promotion or other service benefits for the period prior to June 25, 2015 either actually or notionally.

**16.** We are not favoured with the order passed by the Tribunal which was considered by the co-ordinate Bench in WPST 184 of 2023 for the co-ordinate Bench to render a finding that the order of the Tribunal impugned therein suffered from a total non-application of mind.

**17.** In such circumstances, we are not minded to interfere in this writ petition.

**18.** WP.ST 152 of 2024 is **dismissed** without any order as to costs.

**(Debangsu Basak, J.)**

**19.** I agree.

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

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