

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 386 OF 2018**

Ajoy Bandyopadhyay Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">01 <hr/>11.06.2018</p>	<p>For the Applicant : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant got promotion to the post of Head Warder in Alipore Central Correctional Home by order dated February 5, 2015 issued by the respondent no. 3. The respondent no. 2 issued Circular dated April 24, 2018 inviting applications to fill up the vacancies in the rank of Assistant Controller of Correctional Services by way of promotion from the candidates working in the post of Head Warder. The Circular indicates about upper age limit which may be relaxable upto 45 years as on January 1, 2018 for the purpose of submitting application for consideration by way of promotion.</p> <p>Mrs. Agarwal, Learned Counsel for the applicant, has referred to APPENDIX 34 of West Bengal Jail Code Volume II and submitted that there is no age limit for promotion to the post of Sub Jailor which is equivalent to Assistant Controller of Correctional Services and as such the applicant may be permitted to participate in the selection process for promotion.</p> <p>Mr. Banerjee, Learned Counsel for the state respondents, contends that the last date for submission of the application was fixed on June 1, 2018, but the</p>	

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interview for the selection to the post of Assistant Controller of Correctional Services is scheduled to be held on June 15, 2018 which may also be deferred to any other date.

On consideration of provisions of Section 5 of the West Bengal Correctional Services Act, 1992, we find that the post of Sub Jailor under the Prison Act, 1894 is equivalent to Assistant Controller of Correctional Services under the provisions of West Bengal Correctional Services Act, 1992. The provisions of Section 5(4) of the West Bengal Correctional Services Act, 1992 further provides that the qualifications and method of recruitment to the Officer and Staff of the Correctional Homes shall be such as may be prescribed. No Rule in this regard is placed before us at the time of hearing. Naturally, by following the provision of APPENDIX 34 of West Bengal Jail Code Volume II, we find that there is no age limit for promotion to Sub Jailor which is redesignated as the post of Assistant Controller of Correctional Services. Accordingly, the applicant should not be debarred from participating in the selection process for promotion to the post of Assistant Controller of Correctional Services due to age bar. As a result, the respondent no. 2 is directed by an interim order to grant permission to the applicant to participate in the selection process on the basis of the application already submitted by the applicant irrespective of his age, but the publication of the result of the selection process will be subject to the

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outcome of the original application. This interim order will remain valid till the disposal of the original application. The respondents are directed to file reply within a period of 4 (four) weeks and rejoinder, if any, may be filed by the applicant within a period of 2 (two) weeks thereafter.

List the matter under the heading **“Hearing”** on **17.09.2018.**

Let **urgent plain copy** of the order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib