

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA 817 of 2019

Ratna Ghosh (Dhar) - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

24
04.04.2024

For the Applicant : Mr. M.N. Roy,
Mr. G. Halder,
Learned Advocates.

For the State Respondents Mr. G.P. Banerjee,
Mrs. Sunita Agarwal,

For the Pr. A.G.W.B. Mr. B. Mitra.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to regularise her service as a Lecturer from 01.01.2001 as has been done in some other cases. It appears from the submissions and the records that the applicant was initially appointed on 23.10.1997 as a Lecturer in Architecture, Government Polytechnic on purely temporary basis for six months. Such tenure was extended from time to time and later by an order dated 11.01.2008, she was absorbed as a regular Lecturer. Contention of Mr. Roy, learned counsel for the applicant is that, though the applicant was appointed on 23.10.1997, but was absorbed only on 11.01.2008. In contrast, a similar Lecturer first engaged on adhoc basis on 31.12.2000 was regularised on 28.01.2002, much earlier to her own absorption. Mr. Roy also draws attention to a Notification dated 15.03.2001, by which the government allowed such absorption into regular post for Lecturers in government polytechnics w.e.f. 01.01.2001. Submission is that, despite a junior Lecturer absorbed earlier, the applicant was not given such benefit from the date which was due to her i.e. from 01.01.2001.

ORDER SHEET

Form No.

Ratna Ghosh (Dhar)

Vs.

Case No **OA 817 of 2019**

THE STATE OF WEST BENGAL & OTHERS.

Appearing on behalf of the respondent authority, Mr. Banerjee submits that this application is barred by limitation for the reason that the applicant superannuated on 30.06.2017 and by filing this application in the year 2019, she prays for a benefit w.e.f. 01.01.2001. Further, Mr. Banerjee submits that the applicant did not possess the requisite qualification of a Degree which was an important requirement for consideration to qualify for absorption into a regular post. The instance cited by the applicant's side that one junior Lecturer Lecturer has been absorbed earlier is not a correct argument because he was a Degree holder and had also fulfilled other required criterias. As a special case, the government had relaxed such requirement of a degree and by such consideration the applicant was made eligible to be absorbed into the regular post. Therefore, there is no truth and merit in agitating that juniors were absorbed much earlier than the applicant.

Mr. Banerjee has drawn attention to Notification dated 07.03.1992 in which the essential qualification for Lecturer in Engineering subject required 1st Class Bachelors Degree in the appropriate branch of engineering from a recognised university/institute. Submission is that since she did not possess this essential qualification, however, by Notification 35-Tet dated 11.01.2008, such requirement was relaxed which enabled the applicant to be eligible to be absorbed in a regular post of Lecturer w.e.f. 11.01.2008.

Mr. Roy prays for accommodation and liberty to present copies of relevant documents on behalf of the applicant on the next date.

Let the matter appear under the heading Hearing on **24.04.2024.**

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

sc