

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 496 OF 2021

RAJESH SARDAR – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Bhaskar Ghosh,
and Advocate
Date of For the State Respondent : Mrs. Sunita Agarwal,
order Advocate

8
05.07.2023

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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the Joint Secretary, Public Works Department, Government of West Bengal rejecting the prayer for compassionate employment.

It appears from the impugned order dated 27.01.2021 that paragraph 6 of Memo No.3326-F dated 05.05.2009 which stipulates that “The candidate applying for different categories of Group-D posts shall have class VIII pass certificate from any recognized School or any recognized Madrasah or any other recognized equivalent institution”. Since the applicant, Rajesh Sardar was not class VIII pass, citing the said memo, the application for a Group ‘D’ post under compassionate ground was regretted.

Mr. Bhaskar Ghosh, learned counsel prays for liberty to furnish a fresh representation before the concerned respondent praying for relaxation of the educational qualification required for a Group-D as per Notification No. 165-Emp. Dated 4th June, 2015.

Appearing on behalf of the respondent authority, Mrs. Sunita Agarwal, learned counsel submits that if such representation is furnished before the respondent authority, the same will be examined and considered as per norms.

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In view of the above, the applicant is allowed to furnish a fresh representation before the respondent No.1, the Secretary, Public Works Department, Government of West Bengal, Nabanna, Howrah for relaxation of educational qualification within a period of two months from the date of this order. If such representation is filed before her within the time stipulated above, the respondent No.1 is directed to consider such a representation for relaxation of educational qualification as per norm within a period of two months thereafter.

The application is disposed of.

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

SCN.

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