

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. –OA 582 of 2022

Shri Kalyan Paul - VERSUS - The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Learned Advocate.
<u>02</u> 12.09.2022	For the State Respondents	: Mrs. S. Bandyopadhyay, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically challenging the promotion order dated 22.07.2022 with regard to the applicant passed by the Commissioner of School Education, Government of West Bengal whereby the applicant along with others were promoted to the post of 'Assistant Inspector of School' from the post of 'Sub-Inspector of Schools.'

It has been submitted by the applicant that he wants to challenge the said office order to the extent his case only on the ground that the said promotion order was not issued by the appropriate authority. As per the applicant, since he is a Group A Officer, the promotion order ought to be passed by the order by the Governor by the Principal Secretary or any competent authority. In the instant case, the promotion order was issued by the Commissioner of School Education, as per the applicant, though he has no grievance with regard to the promotion but the issuing authority should be proper as per Rules. Therefore, he has prayed for the respondent No. 2 maybe directed to modify the said promotion order with regard to the applicant as per Rules.

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The counsel for the respondents has no objection for such modification of order to the extent of issuing authority in respect of the applicant only.

In view of the above, the respondent No. 2 is directed to take appropriate steps within four weeks to rectify the promotion order dated 22.07.2022 to the extent of issuing authority as per Rules and till such modification and the promotion in respect of the applicant be stayed.

Accordingly, the OA is disposed of.

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

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