

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. –OA 654 of 2021

**Suprovat Biswas - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

02  
08.10.2021

For the Applicant

: Mr. S.N. Ray,  
Advocate

For the State respondents

: Mr.G.P.Banerjee  
Advocate

In the application, Suprovat Biswas, Library Assistant, has prayed for certain reliefs, the relevant portion of which is as under:

*“A) An Order do issue directing the concerned respondent authority to grant promotion to the applicant to the post of librarian after setting aside the rejection order dated 23.03.2021 as issued by the instant respondent No.03, since the authorities have themselves have made admittance in regard to the applicant having the requisite qualification and thus his eligibility is much established and there isn't any iota of confusion regarding it.*

*b) An Order directing the concerned respondent authorities to forthwith make an order and/or cause such arrangements to be made so that your applicant may join as librarian at BRAIPRD, Kalyani within a stipulated time period.”*

It appears that the applicant was appointed as Library Assistant on 12<sup>th</sup> November, 1998 in the department of Panchayat and Rural Development, Government of West Bengal. Subsequently, by letter dated 21<sup>st</sup> November, 2019, addressed to the Director of BRAIPRD, Kalyani, Nadia, the respondent no. 3, he had prayed for appointment to the post of Librarian on promotion.

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Since it was not granted, the applicant filed an application, being OA 231 of 2020 (Suprovat Biswas-v- State of West Bengal & Others) which was disposed of on 1<sup>st</sup> February, 2021 by directing the Director, BR Ambedkar Institute of Panchayat and Rural Development, Kalyani, Nadia to dispose of the representation dated 21<sup>st</sup> November, 2019 by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing.

Accordingly, the Director, BR Ambedkar Institute of Panchayat and Rural Development, Government of West Bengal, Kalyani, Nadia, the respondent no. 3 took up the matter for hearing and passed an order on 23<sup>rd</sup> March, 2021, the relevant portion of which is as under :

*“Hence, in order to follow the instruction of Honourable Tribunal the case was taken up for hearing. A notice was issued upon the petitioner on 19.03.2021 with the direction to present before the Director, BRAIPRD, Kalyani, Nadia on 23.03.2021 at 3 pm. Accordingly the petitioner appeared before the Director, BRAIPRD, Kalyani, Nadia on the date and time so fixed and represented his case.*

***The points for consideration :-***

- (i) Whether the petitioner is eligible for promotion to the post of ‘Librarian’.*
- (ii) Whether the existing Recruitment Rule in-force does allow promotion to the petitioner from the post of ‘Library Assistant’ to ‘Librarian’.”*

***Decision with reason :-***

*According to the Recruitment Rule Notification No. 5878-RD(Trg.)/1E-3/91 dated 01.10.1996 and subsequent No. 5789-RD(Trg.)/1E-9/08 dated 01.09.2009 issued by Department of Panchayats & Rural Development,*

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*Govt. of West Bengal, the petitioner has the requisite qualification but there is no scope of promotion according to the said Notification. The method of recruitment as stated in the said Notification is by selection (Direct Recruitment) through the Public Service Commission, Govt. of West Bengal. Departmental candidates fulfilling the eligibility criteria are also eligible to apply. Age is relaxable for candidates having higher qualification or longer experience than those prescribed in the said Rule.*

*After due hearing of the petitioner, examining carefully all the documents and considering all the aspects of the instant case, it is, hereby, ordered that the petition, seeking promotion, is rejected as there is no scope of promotion prescribed in the Recruitment Rules Notification No. 5878-RD (Trg.)/1E-3/91 dated 01.10.1996 and subsequent notification issued by Panchayats and Rural Development Department, Govt. of West Bengal.”*

Mr. S.N. Ray, learned advocate for the applicant submits that the order under challenge is self-contradictory, as on the one hand the authorities admit that the applicant has the requisite qualification, on the other hand, they have turned down the prayer for his appointment as Librarian on the ground that the notification dated 1<sup>st</sup> October, 1996 and notification dated 1<sup>st</sup> September, 2009 do not allow the same. On a query he has referred to grounds (XI) and (XIII) of the application in support of his submission.

Mr.G.P.Banerjee, learned advocate for the State respondents referring to the notification dated 1<sup>st</sup> October, 1996 submits that the selection to the post of Librarian is by direct recruitment through Public Service Commission, West Bengal and the departmental candidates satisfying the eligibility criteria are also eligible to apply. Therefore, if the notification permits, the applicant may apply for the post as and when advertisement for the post of Librarian is

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published. Moreover, the post of Library Assistant is not a feeder post for the post of Librarian. Further, the applicant is hit by the age bar as one should not be more than 35 years on the year of advertisement for the post of Librarian though age is relaxable for candidates having higher qualification or longer experience than those prescribed.

Heard the learned advocates for the parties. The petitioner in the application has not challenged the notification dated 1<sup>st</sup> October, 1996 and notification dated 1<sup>st</sup> September, 2009 which prescribe that selection to the post of Librarian shall be by direct recruitment through Public Service Commission, West Bengal and the departmental candidates satisfying the eligibility criteria are also eligible to apply. The same advertisement also prescribes age limit “of 35 years on the first day of January on the year of advertisement relaxable for candidates having higher qualification or longer experience than those prescribed.” In the instant case, no advertisement has been issued for recruitment to the post of Librarian. Since there is no advertisement calling for applications for the post of Librarian and as no challenge has been made to the notification dated 1<sup>st</sup> October, 1996 and notification dated 1<sup>st</sup> September, 2009, the application has no merit and is, therefore, dismissed.

( SAYEED AHMED BABA )  
MEMBER (A)

(SOUMITRA PAL)  
CHAIRMAN

Rajib

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