

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 818 OF 2017

RAJAT SUVRA MORAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr.M.Karim
Advocate

14
14.03.2022

For the State respondents

: Mr.Sankha Ghosh
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Rajat Suvra Moral, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“ a) The respondent authorities and each one of them be directed to immediately promote the applicant to the post of Professor in General Surgery in West Bengal Medical Education Service with effect from 25th March, 2008 with all consequential benefits.

b) The respondent authorities and each one of them be directed to keep at least one post of Professor in General Surgery in West Bengal Medical Education Service vacant till the disposal of this present application.

c) The respondent authorities and each one of them be directed to consider the applicant promoted to post of Associate Professor (Regular) in General Surgery in West Bengal Medical Education Service with effect from 25th November, 2003 and to grant him all consequential benefits.”

It appears from the submission of Mr.M.Karim, learned advocate for the applicant that during the pendency of the Original application, the respondents have promoted the applicant to the post of Associate Professor (Regular) in General Surgery in West Bengal Medical Education Service and the only point which remains to be decided is whether the applicant is entitled to be promoted to the post of Professor in General Surgery in West Bengal Medical Education Service with effect from 25th March, 2008 with all consequential benefits.

Mr.Karim submits that since the applicant is eligible and has the qualification for being promoted to the post of Professor, the applicant is entitled to be promoted to the post of Professor in General Surgery with effect from the date on which his junior, Ajoy Kumar Roy, the private respondent no.5 has been promoted.

Mr.Karim submits though the application for promotion was endorsed, however, on 21st January, 2008, the selection committee found that the applicant was not eligible and therefore, his application was not considered.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents relying on the reply submits that since the applicant was not eligible for being promoted to the post of General Surgery, he could not be promoted.

In reply, Mr. Karim submits that the question of being unsuccessful in the selection process is wholly without basis as he was only found not eligible as evident from Annexure- 'G' to the application.

Heard the learned advocates for the parties. Perusing the Original application and the supplementary affidavit I find that pleadings are insufficient. The reply, a copy of which is on record, is sketchy. Therefore,

ORDER SHEET

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taking the facts of the case in general, since the question of promoting the applicant is to be considered by a body of experts, the application is disposed of by granting liberty to the applicant to apply for the post in accordance with law and if such application is filed, the respondents will consider the same in accordance with law and also in the light of the eligibility criteria / qualification as evident from pages 11 to 16 of the supplementary affidavit.

(SOUMITRA PAL)
CHAIRMAN

BLR