

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA 1516 of 2013**

Sankar Prasad Dey & Ors.

Versus

The State of West Bengal & Ors.

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

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14/08/2019

**For the Applicants** : Mrs. S. Mitra,  
Ld. Advocate.

**For the State Respondent :** Mr. S.K. Mondal,  
Ld. Advocate.

The applicants have prayed for direction upon the respondents for grant of promotion to the post of Lecturer with effect from the date of publication of result for passing B. Tech./B.E. Examination.

The applicants have been working as Junior Lecturers in different streams of Engineering in different Government Polytechnics in West Bengal. They acquired higher qualification of B.E./B. Tech. while they were working as Junior Lecturers. The proposal was mooted by the Department of Technical Education and Training, Government of West Bengal for amendment of the recruitment rules for filling up 25% of the vacancies in the post of Lecturers in Government Polytechnics by way of promotion from the posts of Junior Lecturers and the remaining 75% of the existing vacancies in the posts of Lecturers by way of direct recruitment through Public Service Commission, West Bengal. On December 20, 2001, the Deputy Secretary to the Government of West Bengal, Department of Technical Education and Training (Polytechnic Branch) had sought for the

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	<p>views of Public Service Commission, West Bengal with regard to such amendment of the recruitment rules by sending a letter. We are in the dark about the response of Public Service Commission, West Bengal in connection with the proposal for amendment of recruitment rules for filling up the posts of Lecturers in Government Polytechnics. However, pending finalisation of the process of amendment to the recruitment rules, transitory provision was made to facilitate appointment of Junior Lecturers in the post of Lecturers by issuing notification on April 08, 2009 to the effect that by surrendering some posts of Junior Lecturers in Government Polytechnics, the existing incumbents holding the posts of Junior Lecturers having acquired requisite qualifications for appointment to the posts of Lecturers in Government Polytechnics will be appointed as such Lecturers. Ultimately, the proposal for amendment of recruitment rules for filling up the vacant posts of Lecturers in Government Polytechnics by way of promotion from the post of Junior Lecturers was turned down by the Law Department of Government of West Bengal on November 02, 2010. It appears from the note submitted by the Law Department being annexed to the reply submitted by the state respondents that the proposal for appointment of</p>	

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	<p>Junior Lecturer to the post of Lecturer in Government Polytechnics is virtually a proposal for upgradation of posts which needs approval of the Cabinet and the said procedure for upgradation of posts cannot be implemented by way of amendment of the recruitment rules and as such the proposal of the department for promotion of Junior Lecturers to the posts of Lecturers in Government Polytechnics was not approved.</p> <p>With the above factual matrix, Mrs. Mitra, Learned Counsel for the applicants contends that the applicants have acquired eligibility for appointment to the posts of Lecturers in Government Polytechnics and as such they should be considered for promotion to the posts of Lecturers in Government Polytechnics. Per Contra, Mr. Mondal, Learned Counsel representing the state respondents submits that the posts of Junior Lecturers is not the feeder post for promotion to the post of Lecturer in Government Polytechnic in terms of the existing recruitment rules and as such no right is accrued in favour of the applicants for being considered for promotion to the posts of Lecturer in Government Polytechnics.</p> <p>Having heard Learned Counsel representing both</p>	

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Csm	<p>parties and on consideration of the materials on record, we find that the applicants have miserably failed to establish the promotional avenue from the posts of Junior Lecturer to the posts of Lecturer in Government Polytechnics in terms of existing recruitment rules. No right has yet been accrued to the applicants for being considered for promotion to the post of Lecturers in Government Polytechnics inspite of acquiring educational qualification for appointment to the posts of Lecturers in Government Polytechnics. Since there is no promotional avenue from the post of Junior Lecturer to the post of Lecturer in Government Polytechnics, we cannot persuade ourselves to give any direction to the respondents for consideration of the case of the applicants for grant of promotion to the post of Lecturers in Government Polytechnics. As a result, the original application is <b>dismissed</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	