

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. OA - 164 of 2018

Srabani Sen

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.
1 <u>04</u> 26/02/2019	<p style="text-align: center;">2</p> <p>For the Applicant : Mrs. Madhumita Patra, Ld. Advocate.</p> <p>For the State Respondent : Mr. A.L. Basu, Ld. Advocate.</p> <p>Affidavit of Service filed on behalf of the applicant today is kept on record.</p> <p>The applicant has prayed for direction upon the respondents for granting him promotion to the post of Associate Professor by creating a vacancy in the promotional post.</p> <p>It appears from the materials on record that the applicant got promotion to the post of Assistant Professor, Department of Nuclear and Experimental Medical Science, IPGME&R, Kolkata from the Feeder post of RMO-cum-Clinical Tutor on May 24, 2010. The contention of the applicant is that she was eligible for promotion to the post of Associate Professor, Department of Nuclear Medicine, IPGME&R, Kolkata on August 08, 2014 in response to circular dated July 08, 2014, but she was denied promotion to the post of Associate Professor. The grievance of the applicant is that one Gouranga Kanti Rakshit was appointed as Associate Professor, Department of Nuclear Medicine, IPGME&R, Kolkata by order dated May 20, 2014.</p>	<p style="text-align: center;">3</p>

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	<p>With the above factual matrix, Learned Counsel for the applicant contends that the applicant was not duly considered for promotion to the post of Associate Professor, inspite of fulfilling eligibility criteria for promotion to the post of Associate Professor. On the other hand, Mr. Basu, Learned Counsel representing the state respondents has referred to the norms for granting promotion to the Associate Professor reflected in memo no. ME/PROM-02-2014/M/1240 dated July 08, 2014 issued by the Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare and submitted that the applicant did not fulfill eligibility criteria for promotion to the post of Associate Professor when the vacancy of Associate Professor in the Department of Nuclear Medicine, IPGME&R, Kolkata was filled up in 2014.</p> <p>Having heard Learned Counsel representing both parties and on consideration of paragraph 'A' (2) of the memo dated July 08, 2014, we find that the eligibility criteria for filling up the post of Associate Professor from the Feeder post of Assistant Professor are as follows:</p> <ul style="list-style-type: none"> • <i>“For the post of Associate Professor: (i) as least four years service in WBMES as</i> 	

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	<p><i>Assistant Professor in the concerned discipline in a State Medical College for disciplines included under Specialties group and at least two years service in WBMES as Assistant Professor in a State Medical College for disciplines included under Superspecialities group: (ii) A minimum of two research publications in the journals indexed with index Medicus/Journals at the National Level of the National Academic Organizations [MCI-12(2)/2009-Med.-22654 Dated 21-07-2009] provided that each research publication is published/accepted [MCI-12(2)/2009-Med. MISC./56925 dated 15-12-2009] for publication in the Journals by the National Associations/Societies of the respective specialties. Further provided that the requirement of 2 research publications for promotion to the post of Associate Professor would be fulfilled with 2 research publications which must be published during the tenure of the Assistant Professor [MCI-12(2)/2009-Med. MISC./56925 dated 15-12-2009].”</i></p> <p>On scrutiny of the above norms for promotion to the post of Associate Professor from the Feeder post of Assistant Professor, we find that the applicant should</p>	

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	<p>have served at least for 4 (four) years in WBMES as Assistant Professor in the concerned discipline under specialities group in a State Medical College and should have served for at least 2 (two) years in WBMES as Assistant Professor in a State Medical College in the concerned discipline under Super Specialities group and 2 (two) Research Publication in the journals indexed with index Medicus/Journals at the National Level organization. The applicant has unambiguously pointed out in her application that she served only for about 4 (four) years as Assistant Professor in the Department of Nuclear and Experimental Medical Science, when the vacancy in the promotional post of Associate Professor in the Department of Nuclear Medicine was filled up in the year 2014. The logical inference of our above observation is that the applicant did not fulfill eligibility criteria for promotion to the post of Associate Professor from the Feeder post of Assistant Professor and as such the applicant was not granted promotion to the post of Associate Professor in the year 2014 when Gouranga Kanti Rakshit got the promotion as Associate Professor in the Department of Nuclear Medicine, IPGME&R, Kolkata. The applicant is not entitled to get any relief in the present application. The original application is, thus,</p>	

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Csm	<p>dismissed.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	