

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

OA -432 of 2019

**Abanti Kr. Sahoo** Vs. **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p><u>05</u> 25.09.2019</p>	<p>For the petitioner : Mr. G.K. Das, Learned Advocate.</p> <p>For the respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>The instant application has been filed challenging the impugned order dated 13.05.2019, by which the prayer of the applicant for considering his claim under special discretionary power of the respondents to exempt the minimum educational qualification criteria, was rejected.</p> <p>The counsel for the respondent has vehemently objected to entertain the application on the ground of maintainability since the respondent authority in compliance with the order of the direction of the Tribunal dated 18.11.2018 had revisited and reconsidered the case of the applicant and did not found the applicant fit to allow any relaxation with regard to the educational qualification for consideration of the</p>	

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<p style="text-align: center;">05 25.09.2019</p> <p>Page /2</p>	<p>appointment under compassionate ground. As per the counsel for the respondent since the applicant was Class -IV passed and the minimum educational qualification requires for compassionate appointment Class VIII passed for Group - D and Secretary of the concerned department did not found any special reason to relax such educational qualification, which is a discretionary power of the respondent authority. Therefore, such decision cannot be challenged by the applicant.</p> <p style="text-align: center;">Heard the parties and perused the records. It is admitted fact that the applicant is only Class IV passed and as per circulars of the Govt., minimum Class VIII passed is required for appointment in Group-D post. It is further notes that though the concerned Secretary of the Deptt. has been empowered to relax in educational qualification in eligible cases as per 165-Emp. Dated 04.06.2015. However, it is a discretionary power of the respondents and is applicable in special eligible cases, therefore, the Court has no scope to interfere with such</p>	

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<p style="text-align: center;">05 ----- 25.09.2019</p> <p style="text-align: center;">sc</p>	<p>decision under this provision. Accordingly, we do not find any reason to entertain the OA. Accordingly, OA is dismissed being devoid of merit.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> MEMBER (A)</p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> MEMBER (J)</p>	



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