

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

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das**

**Case No –OA 1178 OF 2012**

**Tapati Banerjee 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>14</p> <hr/> <p>19.09.2018</p>	<p>For the Applicant : Mr. S.K. Das Learned Advocate.</p> <p>For the State Respondents : Mr. S.N. Ray Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to grant promotion from the post of Group D in the Directorate of Micro and Small Scale Industries, Government of West Bengal to the post of Lower Division Assistant (Group C) in the same Directorate of the Government of West Bengal.</p> <p>The applicant joined in the post of Peon in the headquarters of Directorate of Cottage and Small Scale Industries, Government of West Bengal on November 1, 1994 on the basis of order of appointment dated October 31, 1994 issued by the Respondent No. 2. The contention of the applicant is that she passed Secondary School Examination in the year 2001 conducted by National Open School, Government of India. The further contention of the applicant is that she submitted application for grant of promotion to the post of Group C in the Directorate of Cottage and Small Scale Industries, Government of West Bengal on April 26, 2002, but her prayer was rejected on April 18, 2004 on the ground that she is not entitled to get promotion to Lower Division Clerk as Secondary Examination conducted by National Open School is not equivalent to Secondary Examination conducted by</p>	

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	<p>West Bengal Board of Secondary Education.</p> <p>With the above factual matrix, Mr. Das, Learned Counsel for the applicant has referred to G.O. dated July 31, 2002 issued by the Special Secretary to the Government of West Bengal, School Education Department, Appointment Branch and submitted that the Examination passed by the applicant is equivalent to Secondary Examination conducted by West Bengal Board and as such the applicant is entitled to be considered for promotion to Group C post. On the other hand, Mr. Ray, Learned Counsel representing the State respondents has relied on paragraph 13 of the reply and submitted that compulsory subjects of Madhyamik Examination conducted by West Bengal Board are different from compulsory subjects obtained by the applicant for passing Secondary School Examination under National Open School and as such the applicant is not entitled to get benefit of promotion on the basis of qualification obtained by her.</p> <p>On consideration of G.O. dated July 31, 2002 issued by the Special Secretary to the Government of West Bengal, Department of School Education, Appointment Branch, we find that Secondary certificates issued by National Open School, New Delhi can be recognised as equivalent to Secondary certificate issued by West Bengal Board, compulsory subjects taken by the candidate for passing Secondary Examination under National Open School are similar to those in Madhyamik Examination under West Bengal Board of Secondary Education. On comparison of the mark-sheet of the applicant and the reply given by the State respondents in paragraph 13, we find that the applicant has not opted for Second</p>	

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Rajib	<p>Language, Mathematics, Physical Science, Life Science, History and Geography as compulsory subject for passing Secondary School Examination under National Open School and as such the certificate obtained by the applicant can never be equivalent to the certificate issued by West Bengal Board of Secondary Education for passing Madhyamik / Secondary Examination.</p> <p>In view of our above findings, we can safely hold that the applicant is not entitled to be considered for promotion to Group C post on the basis of qualification obtained by her from National Open School. As a result, the original application is dismissed.</p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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