

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1532 OF 2013**

Jadav Chandra Bhattacharya & Others 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
21 20.02.2019	<p>For the Applicants : Mr. R.P. Chakraborty, Learned Advocate.</p> <p>For the Respondents : Mr. A.L. Basu, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for granting them promotion with retrospective effect after quashing of Notification No. 1763-Estab (Dte)/AG/O/10R-2/87 dated June 15, 2012 issued by the Secretary to the Government of West Bengal, Department of Agriculture.</p> <p>Supplementary application filed on behalf of the applicants is kept on record. It appears from the supplementary application that all the applicants joined in the post of Assistant Evaluation Officer under West Bengal Junior Agricultural Service (Evaluation) during the period from July 3, 1995 to October 16, 2009. The contention of the applicants is that they are eligible for promotion to the post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) in terms of recruitment rules published under Notification dated December 31, 1992. The eligibility for promotion to the post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) was</p>	

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amended by Notification dated June 15, 2012, whereby the applicant were deprived of the benefit to be considered for promotion to the post of Evaluation Officer under West Bengal Agricultural Service (Evaluation), inasmuch as the applicants had to fulfil the criteria of educational qualification applicable to direct recruits. It appears from the said amended rules published under Notification dated June 15, 2012 that Bachelors' Degree in Agriculture with 4 years' Degree Course from recognized university with Masters' Degree in Agricultural Economics or in Agricultural Statistics and one year of experience in Calculation and/or Analysis of Agro-Economic Data were essential qualifications for the direct recruitment of Evaluation Officer under West Bengal Agricultural Service (Evaluation). Since the applicants did not possess the essential qualification for being considered for promotion to the post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) in terms of amended rules published under Notification dated June 15, 2012, the applicants prayed for quashing of the said Notification.

During pendency of the original application, the amended rules published under Notification dated June 15, 2012 were further amended by Notification No. 1351-Estab (Dte)/10R-02/87 (Pt.-1) dated August 18, 2017 issued by the Secretary to the Government of West Bengal, Department of Agriculture. It appears from the said Notification dated August 18, 2017 that

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the officers belonging to West Bengal Junior Agricultural Service will be promoted to the post of West Bengal Agricultural Service in terms of recruitment rules prevailing at the time of joining of the said officers, provided they joined in the service before June 15, 2012. In the instant case, all the applicants joined in the service before June 15, 2012 and as such they will be considered for promotion to the post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) in terms of the recruitment rules published under Notification dated December 31, 1992. In other words, the applicants will be considered for promotion without acquiring educational qualification applicable to direct recruitment of officers of West Bengal Agricultural Service in terms of Notification dated June 15, 2012. Since the amended recruitment rules published under Notification dated June 15, 2012 have been further amended by Notification dated August 18, 2017, the said Notification dated June 15, 2012 need not be quashed as prayed by the applicants.

We have been informed by Learned Counsel for the applicants that the vacancies in the promotional post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) have not been filled up till date, though the applicants are eligible to be considered for promotion to the said post. Since promotion is not a matter of right, but consideration of the applicants for promotion is a matter of right, we direct the Respondent No. 1, Principal Secretary to the Government of

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Rajib	<p>West Bengal, Department of Agriculture to consider the applicants for promotion when the vacancies in the promotional post will be filled up, if the applicants are otherwise found suitable for promotion.</p> <p>With the above direction, the original application stands disposed of.</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>	
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