

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – OA 1186 OF 2017

SADDAM HOSSAIN + 11 ORS. Vs The State of West Bengal & Ors.

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| <p style="text-align: center;">4</p> <hr/> <p>06.09.2018</p> | <p>For the Applicant : Mr. Dipankar Pal Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee Advocate</p> <p>In this application twelve applicants who had participated in the recruitment process for the post of Constable (Male) in West Bengal Police in the year 2015, have prayed for a direction upon the respondent authorities to “rectify the mistakes committed by them” and to appoint the applicants as Constable (Male) against the vacancies. Interim order has also been prayed for “restraining the respondents from filling up of the post of Constable (Male) in West Bengal Police” and “to keep the number of posts of Constable (Male) in West Bengal Police vacant till disposal of this application”. According to the petitioners since they had passed the physical verification test, the written test and the viva voce test, and as they were expecting a good result and as they were hopeful of getting selected, as their names do not find place in the final merit list, this application has been filed. It has been stated in the application that the respondents</p> | |

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| | <p>had adopted unfair means of pick and choose policy as per their whims which is nothing but an act of abuse of process of law. Further in paragraph 6 (h) it has been stated as under :</p> <p style="text-align: center;">“.....There are instances when candidates securing lesser marks and less meritorious is being selected for appointment depriving the present applicants Since, the respondents does not adopt a fair policy and does not secure transparency in the process of selection all these illegality has been allowed to happen.”</p> <p>It is submitted by Mr. D. Pal, learned advocate for the applicant that as there are numerous instances of placing a lowly placed candidate above the successful candidates in the merit list, the Tribunal should pass appropriate order restraining the respondents from proceeding with the filling up of the post of Constable (Male) in the West Bengal Police.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that in the application it has been incorrectly stated that the respondents have failed to publish the panel of selected</p> | |

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| | <p>candidates as results were published on 7th July, 2017 and was posted in the website on 10th July, 2017 as evident from the four advertisements published in four daily newspapers. Copies of the said advertisements are furnished in Court today which are kept on record. Let the same be furnished to the learned advocate for the applicant.</p> <p>It is further submitted on instruction that twelve applicants, who have filed this original application, have not been selected as all of them got below the total marks obtained by the last selected candidate in each of the categories. A list showing comparative statement of marks is furnished in Court today. Let it be kept on record. Let a copy of the same be furnished to the learned advocate for the applicant.</p> <p>Heard Mr. Pal and Mr. Banerjee. It is clear that though it has been stated that the respondents have failed to publish the panel of selected candidates, it is evident that results were declared on 7th July 2017 which were put up in the website on 10th July, 2017 as evident from the newspaper advertisements.</p> <p>It is also evident that the applicants were not selected in their respective categories as they secured lower marks than the last selected candidate. Further it is</p> | |

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| SCN | <p>evident from paragraph 6(h) that this application is moved on “apprehension” which cannot be the basis of filing an application. Though the applicants have referred to instances “when candidates securing lesser marks and less meritorious candidate is being selected for appointment depriving the present applicants” in this regard not a single example has been given. For the reasons as aforesaid there is no merit in the application. Hence, the application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p> | |