

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

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

Case No – OA 333 OF 2016

CHIRANJIT DAS & ORS. 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>9</p> <hr/> <p>11.04.2018</p>	<p>For the Applicant : Mr. Sudipta Dasgupta Learned Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee Learned Advocate</p> <p>Supplementary affidavit filed on behalf of the applicant today is kept on record. On prayer of Learned Counsel for the applicant the names of the applicants No. 7, 8 and 10 are expunged from record at the risk of the applicants. The applicants have prayed for direction upon the respondents to give appointment to the applicants in the post of Junior Police Constable in West Bengal Police in the vacant posts.</p> <p>It appears from the materials on record that the applicants participated in the selection process for recruitment to the post of junior Police Constable in West Bengal Police in response to the advertisement in the year 2011. The information brochure (annexure "A" to the original application) indicates that the recruitment will be done from the candidates belonging to the District of Paschim Midnapore, Bankura and Purulia for filling up of 5000 vacancies of Junior Police Constables in West</p>	

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	<p>Bengal Police. It further appears from the said brochure that 10% of the posts are earmarked for female candidates. It is pertinent to point out that all the applicants are male candidates. The contention of the applicants is that they participated in the Written Examination, Physical Measurement Test, Physical Efficiency Test and also interview, but appointment was not given to the applicants. Learned Counsel representing the applicants submits that all vacancies have not been filled up and as such, the applicants may be appointed in the vacant posts particularly when the recruitment process is still going on.</p> <p>Mr. G. P. Banerjee, Learned Counsel representing the State respondents has produced statement of cut-off marks for recruitment to the post of Junior Police Constable in West Bengal Police on the basis of the Examination held in the year 2011 and report of recommendation of West Bengal Police Recruitment Board for giving appointment to 4619 candidates selected on the basis of Examination of 2011. Let these documents be kept on record. It appears from the statement of cut-off marks for filling up the post of Junior Police Constable in West Bengal Police in 2011 that the cut-off marks for candidates belonging to General Category was 36.9 marks; candidates belonging to Scheduled Caste Category was 29.1 marks, candidates belonging to Scheduled Tribe Category was 36.1 marks, candidates belonging to O.B.C.</p>	

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	<p>- A Category was 17.5 marks and candidates belonging to O.B.C. –B was 35.75 marks, so far as the male candidates are concerned. We are not making any observation with regard to cut-off marks of female candidates to fill up the post of Junior Lady Constable in West Bengal Police as the present applicants are all male candidates. There is nothing on record to indicate that the present applicants secured more marks than the cut-off marks fixed for selection of male candidates to fill up the posts of Junior Police Constable in West Bengal Police in 2011. The submission made on behalf of the applicants that the cut-off marks cannot be fixed after initiating the process of selection of candidates has no merit, as the cut-off marks needs to be fixed to eliminate the candidates for the purpose of selection of eligible candidates to fill up the posts. Since the applicants were not found to be eligible for selection to the post of Junior Police Constable in West Bengal Police, their names were not recommended by West Bengal Police Recruitment Board for giving appointment in the post of Junior Police Constable.</p> <p>On perusal of the recommendation of provisionally selected 4619 candidates by West Bengal Police Recruitment Board from different categories to fill up vacancies advertised in the year 2011, we find that all vacancies of Junior Constable (Male) have been</p>	

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	<p>recommended for giving appointment, except some vacancies in the categories of OBC – A, where suitable eligible candidates were not available on the basis of the screening test conducted by West Bengal Police Recruitment Board in 2011. The argument advanced on behalf of the applicants that the recruitment process is still going on as per information available in the website cannot have any merit, as there is no evidence to indicate that the information available in the website were updated by the authority concerned after initiation of the selection process in 2011. We cannot persuade ourselves to form any opinion that the recruitment process initiated in the year 2011 is still going on only on the basis of print out of information taken from the website in the year 2013.</p> <p>The result of examination for recruitment to the post of Junior Police Constable was published on 18th June 2012. The categorical submission made on behalf of the applicants is that the applicants came to know that their names have not been recommended for recruitment to the post of Junior Police Constable, inspite of availability of the vacancies. The present application was filed by the applicants on May 21, 2016 i.e. almost after four years from the date of publication of the result. Since the applicants have challenged the recommendation made by West Bengal Police Recruitment Board for appointment to the post of Junior Police Constable, the applicants</p>	

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SCN.	<p>should have approached the Tribunal within a period of one year from June 18, 2012, whereas the applicants have approached the Tribunal on May 21, 2016 without filing any application for condonation of delay as laid down under section 21 (3) of the West Bengal Administrative Tribunals Act, 1985. The logical inference is that the present application is clearly barred under the provisions of Section 21 of the Administrative Tribunals Act, 1985.</p> <p>In view of our above observation, we are constrained to hold that there is no merit in the present application and the present application is also barred by limitation and as such, the present application is 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>	