

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

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

Case No – OA 378 OF 2016

PRAKASH KUMAR & 16 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>14</p> <hr/> <p>11.04.2018</p>	<p>For the Applicant : Mr. D.N. Ray Mrs. S. Agarwal Mr. Sougat Mitra Learned Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee Mr. S.K. Mandal Learned Advocate</p> <p>The applicants have prayed for direction upon the respondents to issue appointment letters in favour of the applicants for the post of Junior Constable in West Bengal Police on the basis of the Examination held in the year 2011.</p> <p>The contention of the applicant is that the applicants participated in the selection process for recruitment to the post of Junior Constables (male) in West Bengal Police in the year 2011. The further contention made on behalf of the applicants is that the applicants participated in the Written Examination, Physical Measurement Test, Physical Efficiency Test and also interview, but they have not been appointed in the post of Junior Constable in West Bengal Police. It is relevant to point out that all the applicants are male</p>	

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	<p>candidates belonging to General Category.</p> <p>It appears from the reply filed by the State respondents that all the vacancies of Junior Constables in West Bengal Police have been filled up on the basis of result of the Examination held in the year 2011, except 381 posts (male and female) belonging to OBC- A Category. It also appears from reply submitted by the State respondents that all the applicants obtained less marks than the marks obtained by the last selected candidates in their respective categories.</p> <p>Mr. D.N. Ray, Learned Counsel representing the applicants submits that the State respondents did not disclose the number of vacancies available in OBC –A Category in the advertisement and as such, the State respondents cannot take the plea that 381 posts belonging to OBC –A Category have not been filled up for non-availability of suitable candidates. We do not find any merit in this submission made on behalf of the applicants, as the advertisement clearly indicates that the posts will be reserved for OBC Category. While the posts have been reserved for OBC Category, the percentage of reservation for OBC –A Category and OBC –B Category will be decided on the basis of the statute or statutory Rules in force at the relevant point of time. Since the applicants have not secured more marks than the marks obtained by</p>	

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SCN.	<p>the last selected candidates in their respective categories, we cannot persuade ourselves to give any direction as prayed by the applicants in the original application. In our view, there is no merit in the present application and as such, the application is dismissed.</p> <p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(R.K. Bag) MEMBER (J)</p>	