

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 655 of 2022

Lakshmiram Hembram & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	: Mr. A. Maity,
and		Advocate
Date of order		
<u>4</u>	For the Respondents	: Mr. M.N. Roy,
14.03.2023		Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

Submission of learned counsel for the applicant is that in the examination conducted by the Police Recruitment Board for the post of constables lady constables, some candidates although not belonging to a particular community has been put in the merit list under that category. To the applicant, it appears that from the surname given in the list, they do not belong to that particular community. Prayer of Mr. A. Maity is to cancel the candidature of all those persons who have falsely declared themselves to be members of that particular Scheduled Tribe Community. Mr. Maity also prays for an interim order by directing Respondent No. 5 & 6 to submit a report of investigation as regards the validity of the Scheduled Tribe certificate / status of the persons claiming to be members of the Scheduled Tribe category mentioned in Annexure E.

Mr. Roy, appearing on behalf of the State Respondent, opposes such direction. Mr. Roy submits that this application is not admissible in this Tribunal for the primary reason that the applicant has not exhausted remedies in the appropriate forum. If doubt is cast about the authenticity of such a certificate, remedy lies in the appropriate forum - office of the District Magistrate / Sub-divisional Offices of the respective districts. The office of District Magistrate / Sub-divisional Office issues such Caste and Tribes certificates. Mr. Roy also submits that none of the candidates alleged by the applicant having allegedly submitted false certificate have been made parties in this application. Moreover, the applicants in this application are male applicants, whereas; the

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examination conducted by the West Bengal Police Recruitment Board was for constable and lady constables. Therefore, prayers in the application should be limited to the constables, excluding lady constables. Mr. Roy further submits that all documents and credentials of successful candidates will be verified thoroughly at the time of Police Verification Report.

After hearing the submissions of the learned counsels, it is the opinion of the Tribunal that this application is premature at this stage without having exhausted the remedy available at the District Magistrate / Sub-divisional Office level. Moreover, the allegation of submitting such certificates without belonging to the community is only presumptuous. Such presumption has been formed in the minds of the applicants on the basis of surnames from the list of candidates called for interview. Mr. Maity admits that he has not seen the certificates and his suspicion is only from the surnames which according to him does not sound like the candidate belonging to that community.

Therefore, this application is not admissible at this stage because the candidates (appox. 87) who are being assailed have not been made parties in this application and the remedy available at the appropriate forum has not been availed.

Accordingly, this application is not admitted for the reasons as stated above. However, liberty is given to the applicants to approach the office of District Magistrate / Sub-divisional Offices and seek the remedy, if the application has any merit.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P