

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 152 of 2024

Soumen Debnath & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. S. Samanta,
Ld. Advocate.

For the State respondent : Mr. G.P. Banerjee,
Ld. Advocate.

01
03.04.2024

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) 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 for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

The applicants in this application have prayed for a direction to the respondent authorities to grant upper age relaxation to the serving Home Guards by way of issuing a supplementary Notification. It has been submitted by Mr. Samanta, learned counsel for the applicants that in the advertisement published for recruitment to the post of Constables (Male/Female) under Kolkata Police, 2024, no upper age relaxation has been provided for the applicants who are serving Home Guards. It has also been pointed out that such upper age relaxation was in force in Kolkata Police till 2023. Further, such relaxation continued to be in place for recruitment of Constables under West Bengal Police. Mr. Samanta draws attention to the Kolkata Police Gazette dated April, 24, 2000 in which appearing at D (1) allows existing Home Guards relaxation in age as is allowed to Ex-Servicemen.

Appearing on behalf of the State respondents, Mr. G.P. Banerjee, learned counsel files a copy of a Notification published on February 22, 2023 and submits that as per this new Rule, no upper age relaxation has been provided for serving Home Guards for recruitment to the post of Constables in Kolkata Police. Let the copy of the Notification filed by Mr. Banerjee be kept on record. 4 (c) – Eligibility Criteria of Calcutta Police (Recruitment of Constables and Lady Constables) Rules, 2023 and its amendment published on February 12, 2024 mentions the following :

ORDER SHEET

Soumen Debnath & Ors.

Form No.

Vs.

Case No. **OA 152 of 2024.**

The State of West Bengal & Ors.

“Age of the candidate must not be less than 18 years and not more than 30 years as on the 1st January of the year of advertisement.”

From the above Rule, it is evident that upper age limit has been relaxed for certain other candidates like Scheduled Caste, Scheduled Tribe, OBC, Third Gender candidates and Civic Volunteers, but not for serving Home Guards.

Having heard the submissions of Mr. Banerjee and being served the copy of the Rules and its amendment, Mr. Samanta prays for liberty to file a supplementary application to challenge the above stated rules. Let such supplementary be filed by the next date and let the matter appear under the heading **“Admission Hearing”** on **09.05.2024**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS