

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 159 of 2024

Sumit Bhanjan Kundu & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. Subrata Bhattacharjya, Ld. Advocate.
	For the State respondent	: Mr. M.N. Roy, Ld. Advocate.

01
16.04.2024

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 have filed this application praying for a direction to the respondent authorities to condone and relax their excess age which would enable them to participate in the recruitment process for the post of Constables in West Bengal Police, 2024.

Mr. Subrata Bhattacharjya, learned counsel for the applicants draws attention to memo. no. 2790 dated 17.10.2023 and submits that the respondent authorities delayed publication of the advertisement which resulted in excess of age. As per the advertisement published on 06.03.2024, the upper age limit for the candidates has been fixed at 30 (thirty) as on 01.01.2024. Submission is that had the respondent authority cared to publish the advertisement sooner after they obtained the administrative approval on 17.10.2023, the applicants could have participated while they were still within the upper age limit of 30 years.

Mr. Roy, learned counsel for the State respondents, however, contends that no ground has been presented by the applicants on why their excess age beyond 30 years should be condoned. Unless such ground is presented, the applicants have no right to agitate and pray for relaxation of age.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal finds that the advertisement published on 06.03.2024 was in terms of an approval dated 17.10.2023. The Tribunal does not find any reason why the respondent, West

ORDER SHEET

Sumit Bhanjan Kundu & Ors.

Form No.

Vs.

Case No. **OA 159 of 2024**

The State of West Bengal & Ors.

Bengal Police Recruitment Board can be blamed for publication of the advertisement after five months from receiving the approval. For administrative reasons, the time taken to publish the advertisement seems very reasonable. Further, the Tribunal does not feel it has the authority to interfere with such matters. It is unfortunate that the applicants have crossed the upper age limit and not entitled to participate in this examination. Fixing an upper age limit is an integral part of the recruitment process and by such fixation it cannot be surmised that such action was arbitrary and unfair to the applicants.

Therefore, this application being devoid of any merit is thus **disposed of** without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS