

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 204 of 2024

Priyanka Mukherjee -- **VERSUS** – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mr. Masooq Rahman,
Ld. Advocate.

03
19.11.2024

For the State Respondents

: Mr. G. P. Banerjee,
Learned Advocate.

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 matter is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to recast the final merit list by taking interview of the applicant and issue appointment letter for the post of Lady Constable in Kolkata Police 2022 under UR (Sports) quota. Being successful in the preliminary tests, she was invited to appear in the final written examination. Submission of Mr. Rahman is that as notified by the respondent authorities, a total of 19 (nineteen) vacancies were reserved for Lady Constables in Kolkata Police under UR (Sports) quota. Attention has been drawn to an R.T.I. reply to another person by which it is learnt that a total of 629 applications were received for Lady Constables under Sports quota. However, after the completion of all the examinations, the final merit list has recommended names of only three candidates under Lady Constable UR (Sports) quota. On being asked how much the applicant had secured in aggregate in the final written examination, Mr. Rahman could not answer to it. From the records available in this application, the Tribunal finds the name of Srabani Patra under UR (Sports) quota, having secured total of 47.25 in the final written examination out of 85. The applicant has also not preferred any

information relating to the mark she obtained through the R.T.I. Act.

Appearing on behalf of the State respondents, Mr. Banerjee, learned counsel presents a paper published by the West Bengal Police in its website containing the name of the applicant, Priyanka Mukherjee having secured 34.25 marks. Submission of Mr. Banerjee is that the final cut off marks fixed for Lady Constables under UR (Sports) quota was 40.75. Since the applicant has secured lesser than the final cut off marks, she was not recommended to appear for the next round of test which was the interview.

The above facts are not disputed by the applicant's side. However, Mr. Rahman feels that once the Board had declared a total 19 vacancies under Lady Constable for UR (Sports) category and have recommended only 10 candidates, the remaining nine vacancies could be also recommended. His argument is that if the respondent authorities recommend candidates for these 19 vacancies, then the cut off would have been lower and, therefore, the applicant would have an opportunity to be qualified for the next round.

From the submissions, it is clear to this Tribunal that the applicant though participated in the selection process but once unsuccessful, found a very untenable ground and approached this Tribunal for justice. The argument presented on her behalf by the learned counsel is that if the remaining vacancies are to be filled up then it is likely that the cut off marks fixed at 40.75 will be lowered. Once lowered, the applicant may have a chance to be recommended. The Tribunal finds this is nothing but pure assumption and a direction to the West Bengal Police Recruitment Board will be a grave injustice. The Tribunal is also aware of an order passed by the Hon'ble High Court in WPST 173 of 2016 in the matter of Dipasish Ojha Vs. The State of West Bengal & Ors. On 05.12.2016. The nature in both the cases appears to be very similar. His Lordships Nishita Mhatre, A.C.J. and Tapabrata Chakraborty, (J) had passed the following

Vs.

The State of West Bengal & Ors.

Case No. **OA 204 of 2024**

observations :-

“His submission that the cut off marks ought to have been fixed considering the number of vacancies and since nobody was selected for 114 posts in the Unreserved Male Exempted Category, the cut off marks ought to have been lowered, is also untenable. It is the prerogative of the recruitment board to decide as to what the cut off marks should be and in any event, the cut off marks cannot be dependent on the vacancies available.

The writ petition is, thus, dismissed with no order as to costs.”

The prayer in this application being devoid of merit is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

sc