

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 206 of 2023.

ANIRBAN ROY CHOWDHURI & ORS – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

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07.8.2023

For the Applicants : Mr. B. Banerjee,
Mr. S. Sutradhar,
Advocates.

For the State Respondents : Mr. G.P. Banerjee,
Mr. A.K. Das Sinha,
Advocates.

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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to fill up 160 (One hundred and sixty) vacancies arisen out of the recruitment process conducted earlier by the West Bengal Police Recruitment Board for the post of Excise Constable (Male and Female). Submission of Mr. B. Banerjee, learned counsel for the applicants is that since such a vacancy of 160 has occurred, a direction be issued upon the respondent authorities to fill up these vacancies from the list appearing at page 121, which according to him is the list of not provisionally selected candidates.

Responding on behalf of the State respondents, Mr. G.P. Banerjee, learned counsel however submits that neither the Recruitment Board nor any orders of the respondent has created any "Waiting List" or a provisional panel of unsuccessful candidates, which would fill up the place of the vacant slots left vacant by the successful candidates, either due to non-joining or due to any other reasons. The Rules do not allow the respondent authorities to create and maintain such a list of

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waiting candidates, whose names would be considered for filling such vacancies. Further, if any vacancy has arisen out of the recruitment process, the same would be carried forward as per rules and as per existing norms to the next recruitment exam for the same post.

After hearing the submissions of the learned counsels and considering the facts and circumstances of this application, it is the view of this Single Bench that since this is a matter of appointment and involves various points of law and such matters of appointment have been heard all along by a Bench comprising two Members (Judicial and Administrative), therefore, this be placed before such a Bench on 24th January, 2024. The learned counsels of both the sides also agree to have this matter placed before such a Bench.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.