

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA - 208 of 2023**

**Haridas Mondal & Ors. - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

02  
20.01.2025

For the Applicant : Mr. N.K. Gupta,  
Learned Advocate.

For the State : Mr. M.N. Roy,  
Respondents 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.

Mr. Nikhil Kumar Gupta, learned counsel appearing on behalf of the applicants submits that the matter relates to the recruitment process for the post of Constables in Calcutta Police in the year 2012.

Mr. Roy submits that this application is barred by limitation for the reason that a selection process which was conducted in the year 2012 has been challenged in this application in 2023. In the meantime the selection process has been completed and all successful candidates have already joined the post of Constables in Calcutta Police. Further, Mr. Roy also points out that through an RTI reply some of the applicants have already been informed the reason for which they were not considered successful in the recruitment process. From the submission of Mr. Gupta and from examination of the prayers in this application, prima facie, the Tribunal finds the prayer (c) contradicting prayer (d). In prayer (c), the applicants have sought for 10% reservation for serving Home

Guards in Calcutta Police, but prayer (d) the applicants have sought the names of successful candidates who were recommended under 10% reservation kept for serving Home Guards.

Mr. Roy, learned counsel submits that the same issue of reservation of 10% quota for the serving Home Guards in the recruitment of Constables in Calcutta Police is a settled matter. The same issue was heard in OA-25 of 2017 and the order passed by this Tribunal was challenged in a writ petition in WPST 112 of 2022. Submission of Mr. Roy is that the Hon'ble High Court passed the order on 31.10.2022. Relevant paragraphs are as follows :-

- a) The said executive order was the subject matter of challenge before the Tribunal and ultimately the matter reached to the High Court in WPST 240 of 2013. A plea was sought to be taken by the State that by virtue of the said executive order, 10% of the vacancies were reserved in a vertical manner, which was not accepted by this Court in the order dated 25<sup>th</sup> November, 2014. This Court repealed the contention of the State with a positive finding that the said 10% reservation mentioned in the said executive order cannot be perceived as vertical reservation for separate category and, in fact, is a horizontal reservation already specified several reserved categories in the 100 point roster.
- b) No iota of papers has been produced before us evincing

less meritorious candidates than the writ petitioners have been appointed to the post of Constables. The merit being the criteria and the evaluation and ascertainment has been done through a recognized process, the candidate, who could not succeed in the recruitment process, cannot take a reverse stand and challenged the process of selection on such technicalities.

- c) We do not find that there is any infraction committed by the authorities in ignoring the reservation in terms of the said executive order; rather it appears that before this Court, more particularly, in a contempt application, the Court recorded the compliance of the said order and decided not to proceed with the contempt application any longer. The recruitment process was initiated as far back as in the year 2012, a decade has passed and, therefore, we do not find that it is a fit case where any interference is called for.

It is submitted by Mr. Roy that it is clear from the above order this matter was already settled by the Hon'ble Court. Further, this application is barred by limitation. Mr. Gupta has been served a copy of this above orders.

Having heard the submissions of the learned counsels and perusal of the records, in particular, the order of Hon'ble Court in WPST-112 of 2022, the Tribunal is satisfied that this matter

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relating to 10% reservation of serving Home Guards is a settled issue now and no further interference is required. This application is thus disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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