

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN &**
HON'BLE SAYEED AHMED BABA, **ADMINISTRATIVE MEMBER.**

Case No. – OA 243 of 2022.

BABURAM HANSDA AND OTHERS -VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

3
29.6.2022

For the Applicants : Mr. T.G. Sarkar,
Mr. P. Saren,
Advocates.

For the State respondents : Mrs. S. Agarwal,
Advocate.

For the Public Service : Mr. A.L. Basu,
Commission, West Mr. S. Bhattacharjee,
Bengal Advocates.

In the application Baburam Hansda, Sujit Saren and Director Soren, the applicants, have prayed for certain reliefs, the relevant portion of which is as under :-

(a) An order directing cancellation of the Certificate of Scheduled Tribes that was issued to all the members who had deemed to have qualified in the reserved category of Scheduled Tribes, since their certificate as members of the Scheduled Tribes are purported and should be quashed in limini.

(b) An order directing that the appointment in the reserved category be quashed and a fresh appointment be issued to the petitioners, who are bonafide members of the Scheduled Tribes.

(c) An order directing the respondent, to produce all records furnished by the applicants in support of their credibility to prove that they are bonafide members of the Scheduled Tribe in accordance with the Constitution of India (Scheduled tribe) Order, 1950 read along with the West Bengal Scheduled Tribe (Identification) Act, 1994 And West Bengal Scheduled Tribe (Identification) Rules, 1995.

(d) An ad interim order restraining the Respondents to give effect to the appointments on the basis of the purported and erroneous list published as on 11.02.2021.

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(e)An order directing the respondents that all the candidates in accordance with the purported list dated 11.02.2021 be directed to appear in this application before the court, and disclose their identity, address, and necessary credentials, before this Hon'ble Tribunal in support of their being members of the Scheduled tribes...”.

The matter relates to the recruitment of Fire Operators in the West Bengal Fire Services under the department of Fire and Emergency Services under the Government of West Bengal, as evident from annexure ‘P-3’ to the application.

Mr.T.G. Sarkar, learned advocate for the applicant submits that orders as prayed for may be passed.

Mrs. S. Agarwal, learned advocate for the State respondents and Mr. A.L. Basu, learned advocate for the Public Service Commission appearing along with Mr. S. Bhattacharjee, learned advocate submit that as the issue is covered by the judgement of the Tribunal delivered on 20th April, 2022 passed in OA 170 of 2021 (Newton Biswas and 320 Others – versus- The State of West Bengal and 583 others) whereby the application was dismissed and the interim order was vacated, similar order may be passed.

So far as the prayers ‘a’, ‘b’ and ‘c’ in the application are concerned, we are of the view that the reliefs cannot be granted as the Tribunal does not have the jurisdiction to deal with the same.

So far as the prayers ‘d’ and ‘e’ are concerned, admittedly it is covered by the judgement passed in Newton Biswas (supra). Therefore, no order is passed on the application. Hence, the application is disposed of.

Skg.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

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