

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 248 of 2024.

SNEHA GHOSH - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
29.07.2024

For the Applicant : Mr. S.N. Ray,
Advocate.
For the State Respondents : Mr. G.P. Banerjee,
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.

Affidavit of service filed today be kept on record.

The applicant has approached this Tribunal for a direction upon the Respondent authorities to accept her candidature as a successful candidate in the recruitment process for the post of Lady Constable under West Bengal Police, 2023. From the submissions and records, it reveals that such a selection process was conducted and completed and the final list of successful candidates was published in 2024. The contention of the applicant submitted through submission of Mr. Ray is that the applicant was provisionally selected as can be seen in the provisional merit list in which her name appears at serial “6” having scored a total of 93.33 under the unreserved category. However, in the revised list of such successful candidates, her name was not included. A copy of the reply issued by the West Bengal Police Recruitment Board to the applicant admits that such inclusion of her name in the provisional list was due to “technical error, which has now been rectified”. It appears that the applicant had applied for this post under “OBC-B” category. But the revalidated and renewed certificate could not be produced by her at the time of interview for verification.

The advertisement for the post at Note ii para (iii) “ELIGIBILITY” informed the candidates that they were required to present revalidated/renewed of fresh OBC-“A”/OBC-“B” certificates for verification at the time of interview. The

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applicant was invited to appear for such interview and verification of records on 23.02.2024. It is evident that at the time of interview, she did not possess such a valid certificate to be presented for verification. Copy of certificate appearing in this application was issued by the Sub Divisional Officer, Barakpore, North 24-Parganas, which is dated 18.3.2024. From this document, it has become clear that the applicant did not possess a valid certificate at the time of interview on 23.2.2024. However, Mr. Ray draws attention to second part of Note (ii) of the advertisement, which is as under:-

“.....However, they may be considered as UR if they get equal or higher marks than the marks obtained by the last selected candidates under the UR category provided they meet the age criteria for UR candidates.....”.

Contention of Mr. Ray is that since it is an admitted fact that the applicant was not able to produce the revalidated/renewed certificate on time, therefore, relying on the above part of Note (ii) she prays for a direction for her candidature to be accepted as an unreserved candidate. Submission is that such a claim is worthy of consideration for the reason that both in the final list of provisionally selected candidates and also in the revised list of not selected candidates, the applicant has been shown to have scored an aggregate of 93.33 much higher than the last successful unreserved candidate, Shreyashree Sadhu who had scored a grand total of only 67.75. From a simple reading of the above note cited by Mr. Ray, it becomes apparent that the applicant though not considered under OBC “B” category has a score of 93.33, much higher than the last successful unreserved candidate.

However, Mr. Banejee appearing on behalf of the State respondents disagrees and emphases the point that such consideration should be on the basis of cut off marks fixed in the Preliminary Written Test, in which the applicant had scored only 34.75 marks against the cut off marks for the unreserved category which was 39.25. Further, Mr. Banerjee also submits that the applicant had all along applied and participated as a OBC “B” candidate though her candidature as a OBC “B” candidate was not considered, but such consideration under the unreserved category at the last

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lap of the recruitment process cannot be accepted since her cut off marks in the Provisional Written Test was lesser than the cut off marks of 39.25. Mr. Banerjee also points out that it is on the basis of the preliminary test and not on the basis of the final marks that the consideration under the UR Category can be examined.

Heard learned counsels. The matter is admitted.

Let a reply be filed by the Respondent's side elaborating on the above submission that the applicant's candidature as an unreserved was not considered since her aggregate in the Provisional Written Test was lesser than the cut off marks. Let the reply responding to the above observation be filed with supporting documents, for instance, the Board's Resolution.

Let the matter appear under the heading "Hearing" on 09th January, 2025.

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

HS/Skg.