

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 305 of 2023

Sudhamay Mandal -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. S. Saha,
Ld. Advocate.
For the State respondent : Mr. M.N. Roy,
Ld. Advocate.

02
06.12.2023

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 case is taken up for consideration sitting singly.

The prayer in this application is for directing to the respondent authorities to recommend the candidature of the applicant for the post of Constable in West Bengal Police – 2020. It appears that the applicant's name was not considered as a successful candidate in the examination for recruitment to the post of Constable under West Bengal Police as he had scored only 54 marks in aggregate, whereas in the same category he belonged-SC, the last successful candidate had scored 54.25. Thus, his candidature was not recommended.

From the submissions and the records, it is also observed that the applicant had suppressed some important information relating to his credentials. While filling up the application form, the applicant chose not to reveal the fact that he was involved in a criminal case – Berhampur PS Case No. 365/2019 dated 25.03.2019, though, at a later stage, he was acquitted from such criminal case. It further reveals that the applicant made a wrong statement while filling up the application form on 10.02.2021 to the effect that he is a Civic Volunteer. But as per the submission of Mr. Roy and the records, the Tribunal has come to know that though a Civic Volunteer since 2013, but he was demobilised as a Civic Volunteer from 25.03.2019 till 10.03.2023. It thus, becomes evident that during the time of filling up the application form for the post of Constable – 10.02.2021, he was effectively not a Civic Volunteer.

ORDER SHEET

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Form No.

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Having heard the argument of the learned counsels and considering the facts in the records in this application, the Tribunal has come to this finding that due to his scoring a lower marks of 54 in aggregate, which is lower to the last successful candidate in the same category who had scored 54.25, the applicant was not found eligible and was not recommended as a successful candidate by the Police Recruitment Board. The Tribunal has also noted that besides the lower marks he obtained, he deliberately did not disclose the fact at the time of making the application for Constable that he was involved in a criminal case and at that very material point of time, he was not a Civic Volunteer.

In view of the above observations of this Tribunal, the Tribunal disposes of this application without passing any order.

HS/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)