

**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 344 OF 2023**

**AZIZA KHATUN - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

05  
08.01.2025

For the Applicant : Ms. Gopa Biswas  
Advocate  
For the State Respondents : Mr. Gourav Haldar  
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 23<sup>rd</sup> 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 applicant has prayed for a direction to the respondent authorities to issue an appointment letter for the post of Female Warder under the Directorate of Correctional Services. From the submissions of the learned counsels and the records, it has become clear that she was successful in the selection process for the post of Female Warder, which is evident from a copy of the notice downloaded from the West Bengal Police website. Further formalities required after such provisional selection was to fill up and submit a verification roll. A copy of the verification roll appearing in this application shows that the applicant had replied to the question whether she was ever convicted by a Court for any offence and charge sheeted by the Police. The reply to this question given by the applicant is as follows:

*“A CRIMINAL CASE BEING NO. BURDWAN WOMEN P.S. CASE NO. 90/20 US 498A/304B/306 IPC HAS BEEN STARTED AGAINST MY FAMILY INCLUDING ME AND HON'BLE HIGH COURT GRANTED ANTICIPATORY BAIL U/S 438 CRPC. THE XEROX CERTIFY COPY OF THE HON'BLE HIGH COURT IS ATTACHED HEREWITH.”*

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Although provisionally selected, but since she was not being given any formal appointment letter by the respondent authorities, she furnished a representation before the Directorate of Correctional Services dated 27.02.2023 requesting issue of the appointment letter. The letter also states that a case has been filed against her and her family and by an order of the Hon'ble High Court an anticipatory bail has also been given to her. In her reply to her representation, the respondent authority in the Memo. 1453 dated 19.04.2023 responds that since "the case is still pending in the Burdwan Women Police Station", her prayer for appointment cannot be considered at this stage. Mr.Haldar, learned counsel relying on this information has submitted that though she was provisionally selected, but her antecedents are not yet cleared as a criminal case is still pending against her. Disagreeing Ms.Biswas relies on the following Supreme Court cases and submits that as per orders of the Hon'ble Supreme Court, the applicant is entitled to receive her appointment letter. Her submission is that mere involvement in a case does not give any right to the respondent authority to not to issue her appointment letter. Concluding her submission Ms.Biswas submits that it is the principles of natural justice to presume a person innocent till proven guilty. Mr.Haldar having received the copies of judgements served upon him by Ms.Biswas, wishes to file relevant Hon'ble Supreme Court judgements on the next date of hearing.

Let the matter appear under the heading "For Orders" on 7<sup>th</sup> April, 2025.

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

BLR