

**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 - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.	For the Applicant	:	None
and Date of order	For the State Respondents	:	Mr. Gaurav Halder, Learned Advocate

7  
15.05.2025

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.

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.”*

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 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. Halder, 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.

**ORDER SHEET**

Form No.

**AZIZA KHATUN**

**Vs.**

**Case No. - OA 344 OF 2023**

**THE STATE OF WEST BENGAL & ORS.**

I have examined the judgement dated 21.07.2016 of the Hon'ble Supreme Court of India in the cases of "*Avtar Singh versus Union of India & Others*" reported in 2016(8) SCC 471 and the judgement dated 31.10.2022 of the Hon'ble High Court of Punjab and Haryana in the cases of "*Mandeep Kaur versus Canara Bank and Another*" reported in CWP-1827-2019. The guidelines summarised in the judgement of *Avtar Singh (supra)* mentions two categories of criminal cases (i) whether the case is a trivial in nature, (ii) whether the case is not trivial in nature, which is the charges are grave. In this case, the applicant is involved in a criminal case relating to her elder brother's suicide. A criminal case was started against her and other family members under Section 498A/304B/302/34 of IPC. The Tribunal is of the opinion that these are not trivial charges and the case is still pending in the trial Court. Unless the criminal case is concluded and the applicant is acquitted from all these grave charges, the Tribunal is not inclined to interfere and pass any direction upon the respondent authorities to issue her the appointment letter for the post of Female Warder.

Hence, finding no merit in this application, it is disposed of without passing any orders.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)