

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 358 of 2022.

SAIKAT DATTA AND ORS -Vs- THE STATE OF WEST BENGAL AND OTHERS.

Serial No. and
Date of order

For the Applicants : Mr. A. Maiti,
Advocate.

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20.6.2022

For the State respondents : Mr. G.P. Banerjee,
Advocate.

It is submitted by Mr. A. Maity, learned advocate for the applicants since the last date for filling up application for the post of Constables/Lady Constables in Kolkata Police, 2022 is 27th June, 2022, considering the urgency of the application the matter may be heard.

Submission is that in view of the order of the Supreme Court dated 2nd May, 2017 passed in Writ Petition (C) No. 183 of 2013 (Manish Kumar – Vs- Union of India and others), the applicants may be granted liberty to participate in the said selection process. Submission is though approval for filling up 1500 Constables and 285 lady constables posts were granted on 29th November, 2019, as the advertisement was issued on 26th May, 2022 and the applicants are being deprived of their chances to compete in the selection process, challenge has been made to the selection process which is contrary to the provisions in the West Bengal Services (Raising of Age Limit) Rules, 1981 and appropriate interim order may be passed directing the respondents to allow the applicants to participate in the selection process.

It is submitted by Mr. G.P. Banerjee, learned advocate for the State respondents that after the Supreme Court passed an order on 2nd May, 2017 though selection process for recruitment of Constables and Lady Constables were conducted in the year 2018, 2019 and 2020, the applicants did not participate in the said selection process and therefore, the claim of the applicant is belated and may not be accepted.

Moreover, since the applicants have challenged the present recruitment rule stipulating maximum age of recruitment of twenty-seven

years and as the learned Advocate General of West Bengal has not been served with a copy of the application, no order may be passed. Moreover, reference has also been made to the subsequent order dated 11th May, 2019 passed in the said Writ Petition (C) No. 183 of 2013 particularly the penultimate paragraph of the said order that a request was made to the Hon'ble the Chief Justice of the respective High Courts to monitor the prayers from time to time regarding recruitment of police and submission is remedy of the applicant lies before the High Court at Calcutta.

Heard learned advocates for the parties.

Before we proceed to deal with the matter, our attention has been drawn on behalf of the learned advocates for the parties to the penultimate paragraph of the order dated 11th March, 2019 passed in Writ Petition(C) No. 183 of 2013 (Manish Kumar – Versus- Union of India & Ors) whereby while disposing of the writ petition, it was directed as under :-

“...Having considered the matter, we are of the view that the records pertaining to each of the States including affidavits etc. Be sent by the Supreme Court Registry to the Registry of the concerned High Courts with a request to Hon'ble the Chief Justice of the High Court to entertain the matter on the Judicial Side as suo motu Public Interest Litigation and monitor the prayers made from time to time....”.

Therefore, considering the urgency, let there be an interim order directing the respondents to allow the applicants to submit the applications for the post of Constable and Lady Constables in Kolkata Police, 2022 in hard copy format by 27th June, 2022 without prejudice to the rights and contentions of the parties and subject to further orders that may be passed. If selection process is undertaken, the answer scripts of the applicants will be kept in sealed cover and the result shall not be published without leave of the Tribunal. It is made clear that this order will not create any right and/or equity

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in favour of the applicants. Let a copy of the application along with a copy of this order downloaded from the website of the Tribunal be served on the learned Advocate General, West Bengal by 23rd June, 2022.

Let the matter appear under the heading “Admission Hearing” on 25th August, 2022.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skq.

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