

ORDER SHEET

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-359 of 2023

Subrata Mandi & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. A. Maiti,
Mr. Sourav Bhattacharjee,
Ld. Advocates.
For the State Respondent : Mr. M.N. Roy,
Ld. Advocate.

03
22.02.2024

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.

Mr. Maiti, learned counsel for the applicants places a copy of record reported in WPA(P)/585/2023 [Paschim Banga Bouri Samaj Unnayan Samity and Anr. V. State of West Bengal and Ors.]

Submission of learned counsel for the applicants is that in the examination conducted by the Police Recruitment Board for the post of constables/lady constables, some candidates although not belonging to a particular community has been put in the merit list under that category. To the applicants, it appears from the surnames given in the list, they do not belong to that particular community. Prayer of Mr. A. Maiti is to cancel the candidature of all those persons who have “falsely” declared themselves to be members of that particular Scheduled Tribe Community. Mr. Maiti also prays for an interim order by directing Respondent No. 5 & 6 to submit a report of investigation as regards the validity of the Scheduled Tribe certificate / status of the persons claiming to be members of the Scheduled Tribe category mentioned in Annexure E.

Mr. Roy, appearing on behalf of the State Respondent, opposes such direction. Mr. Roy submits that this application is not admissible in this Tribunal for the primary reason that the applicant has not exhausted remedies in the appropriate forum. If doubt is cast about the authenticity of such a certificate, remedy lies in the appropriate forum - office of the District Magistrate / Sub-divisional Offices of the respective districts. The office of District Magistrate / Sub-divisional Office issues such Caste and Tribes certificates. Mr. Roy also submits that none of the candidates alleged by the

Form No.

Case No. **OA-359 of 2023**

Vs.

The State of West Bengal & Ors.

applicants having allegedly submitted false certificate have been made parties in this application. Moreover, the applicants in this application are male applicants, whereas; the examination conducted by the West Bengal Police Recruitment Board was for constable and lady constables. Therefore, prayers in the application should be limited to the male constables, excluding lady constables. Mr. Roy further submits that all documents and credentials of successful candidates will be verified thoroughly at the time of Police Verification Report.

After hearing the submissions of the learned counsels, it is the opinion of the Tribunal that this application is premature at this stage without having exhausted the remedy available at the District Magistrate / Sub-divisional Office level. Moreover, the allegation of submitting such certificates without belonging to the community is only presumptuous. Such presumption has been formed in the minds of the applicants on the basis of surnames from the list of candidates called for interview. Mr. Maiti admits that he has not seen the certificates and his suspicion is only from the surnames which according to him does not sound like the candidate belonging to that community.

Therefore, this application is not admissible at this stage because the candidates who are being assailed have not been made parties in this application and the remedy available at the appropriate forum has not been exhausted.

Accordingly, this application is not admitted for the reasons as stated above. However, liberty is given to the applicants to approach the office of District Magistrate/Sub-divisional Offices and seek the remedy, if so wished.

Accordingly, the matter is **disposed of**.

CSM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)