

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 364 OF 2022

ATRI KAR - VERSUS - THE STATE OF WEST BENGAL & OTHERS

Serial No. and Date of order	For the Applicant	:	Mr. Manujendra Narayan Roy Mr.N.N.Roy Advocates
<u>05</u> 27.07.2022	For the State Respondents	:	Mr. Goutam Pathak Banerjee Advocate
	For the Respondent No. 8	:	Mr.Soumendra Narayan Ray Advocate
	For the Public Service Commission, West Bengal	:	Mr.Sourav Bhattacharjee Advocate

Pursuant to the directions contained in the order dated 17th June, 2022, the Chief Secretary to the Government of West Bengal and the Additional Chief Secretary to the Government of West Bengal, Personnel & Administrative Reforms Department, the respondent nos. 2 and 3 respectively have filed a status report dated 25th July, 2022 regarding reservation of posts for transgender community in the State of West Bengal in view of the directions of the Supreme Court in National Legal Services Authority v. Union of India (2014) 5 SCC 438 before the learned Registrar of the Tribunal. Let it be kept on record. Let copies of the report be furnished by the Learned Registrar to the learned advocates for the parties by tomorrow.

Mr.M.N.Roy, learned advocate for the applicant submits that the applicant has applied for participating in the West Bengal Civil Services Executive Examination, 2022 in the offline mode and as the State respondents are taking steps for initiating recruitment process direction may be issued upon the respondents to frame rules under the Transgender Persons (Protection of Rights) Act, 2019 at the earliest. Submission is that the applicant has changed his status in the Identity Card issued by the Election Commission of India and under the heading "Sex" it has been mentioned as "other". Submission is leave may be granted to file an affidavit annexing a copy of the Identity Card issued

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by the Election Commission of India.

Mr.S.Bhattacharjee, learned advocate for the Public Service Commission, West Bengal submits that as the applicant had applied for participating in the West Bengal Civil Service Executive Examination 2022 and after admit card been issued by the Commission, has participated in the preliminary examination, the State respondent nos. 2 and 3 and the Additional Chief Secretary to the Government of West Bengal, the Department of Finance, Howrah, the respondent no. 4 are to take steps to frame rules.

Mr.G.P.Banerjee, learned advocate for the State respondents submits that in view of the submission made on behalf of the Commission, as well as the status report filed, endeavour shall be made by the respondent nos. 2, 3 and 4 to frame rules.

In view of the submission made on behalf of the parties, the respondent nos. 2, 3 and 4 shall make an endeavour to frame rules expeditiously to be prevalent in the State of West Bengal under the Transgender Persons (Protection of Rights) Act, 2019 by 22nd August, 2022 as the applicant is participating in the selection process of the West Bengal Civil Service Executive Examination 2022, where no provision has been made regarding reservation of posts for transgender persons.

Let the matter appear under the heading "Admission Hearing" on 26th August, 2022.

Let plain copies of this order be furnished to the learned advocates for the parties.

BLR

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

ORDER SHEET

Form No.

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