

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 368 OF 2022

PALLABI CHARKRABORTY - VERSUS - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

04
27.07.2022

For the Applicant : Mr. Manujendra Narayan Roy
Mr.N.N.Roy
Advocates

For the State Respondents : Mr. Goutam Pathak Banerjee
Advocate

For the Respondent No. 10 : Mr.Soumendra Narayan Ray
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, Home and Hill Affairs 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 as pursuant to the interim order the applicant has applied for the post of Constable / Lady Constable in Kolkata Police, 2022 in the offline mode and the State respondents are taking steps for commencing the recruitment process with the initiation of preliminary written test and thereafter physical efficiency test, direction may be issued upon the respondents to frame rules under the Transgender Persons (Protection of Rights) Act, 2019 at the earliest. Submission is as the applicant has filed an affidavit regarding change of first

Vs.

Case No. : **OA 368 OF 2022**

THE STATE OF WEST BENGAL & OTHERS

name and gender status which has been published in the Kolkata Gazette on 21st September, 2017, leave may be granted to file an affidavit annexing a copy of the said notification in the Kolkata Gazette.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that in view of the facts as stated in the petition and as the applicant has applied for the post of Costable / Lady Constable in Kolkata Police 2022 in the offline mode pursuant to the interim order dated 17th June, 2022, 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 shall take steps 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 to be prevalent in the State of West Bengal under the Transgender Persons (Protection of Rights) Act, 2019 by 22nd August, 2022 expeditiously as the applicant is going to appear in the selection process as mentioned hereinbefore where no provision has been made regarding reservation of posts for transgender persons. Moreover early framing of the rules is necessary as in the recruitment process of Constables stipulation has been made for physical measurement test as well as for physical efficiency test.

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.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR