

ORDER SHEET

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- 368 of 2022

Pallabi Chakraborty - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

09
01.12.2023

For the Applicant : Mr. M.N. Roy,
Learned Advocate.
For the State Respondents : Mr. G.P. Banerjee,
Learned Advocate.
For the Social Welfare
Deptt. Mr. S.N. Ray,
Learned Advocate.

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. Banerjee files a sealed cover containing the result of the applicant having appeared in the examination relating to appointment of Constables/Lady Constables under Kolkata Police. Let this sealed cover be kept on record.

On behalf of the state respondents, Mr. Banerjee files a copy of the Notification No. 155/WBTGPDB/Estt/15/2021, dated 30.11.2022 published in The Kolkata Gazette. Copy of this Notification has been served upon Mr. Roy also. Presenting this Notification, Mr. Banerjee submits that the state respondents have published this detailed Notification covering all the issues relating to the Transgender persons. This Notification is titled as the West Bengal Transgender Persons (Protection of Rights), Rules, 2022. However, Mr. Roy submits that this particular Notification relates to all other areas relating to Transgender

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except the reservation of Transgender in public employment.

Mr. Roy further submits that this applicant in this application had prayed for her reservation as a Transgender person in the post of Constable under Kolkata Police. The applicant had appeared as a candidate in an examination to recruit Constables/Lady Constables under Kolkata Police, 2022.

Relying on a judgement of the Hon'ble Apex Court reported in (2014) 5 Supreme Court Cases 438 in the case of National Legal Services Authority Vs. Union of India & Ors., Mr. Roy draws my attention para 135.3 which is cited as under :-

“We direct the Centre and the State Governments to take steps to treat them as Socially and Educationally Backward Classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.”

Submission is that it is evidently clear that the Hon'ble Apex Court had directed both the Centre and the State Governments to take firm steps to reserve proportionate seats not only for admission in educational institutions but also for “**Public Appointments**”.

Let the matter appear under the heading Hearing on **11.04.2024.**

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

SC