

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 439 of 2023**

SUSHIL MISHRA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

02
10.10.2023

For the Applicant : Mr.S.Roy
Advocate

For the State Respondents : Mr. Goutam Pathak Banerjee
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.

Submission of Mr.Roy is that the prayers in the application is limited only to prayer (a) which is a direction upon the respondent to re-evaluate the applicant in the interview for the post of Constable under the West Bengal Police in the year 2020. Mr.Roy does not press for the prayers listed as (b), (c), (d) and (e).

Attention has been drawn to page 38 in this application in which appearing as serial No. 5875 against the name of the applicant, Sushil Mishra who had scored 48.75 marks in the final written test, '0' marks in the interview. Submission of Mr.S.Roy, learned counsel for the applicant is that the grand total has been shown as 'NULL'. Mr.Roy also submits that the applicant during the day of interview was forced to put a signature on a piece of paper which stated that the applicant does not know to read and write Bengali.

Appearing on behalf of the State respondents, Mr.G.P.Banerjee,

learned counsel submits that as per the advertisement appearing at page No. 22 para (d) the applicant was aware of the fact that as an aspiring candidate he was to be proficient in speaking, reading and writing Bangla as a Language. Submission is that since the applicant being a domicile of State of Bihar was not familiar with Bangla language, therefore, he was not allowed in the interview and disqualified.

After hearing the submissions of the learned counsels, the Tribunal has come to this conclusion that the applicant was disqualified primarily on the ground that he was not acknowledgeable in the Bengali language, written, spoken and reading. The advertisement makes it clear for the aspiring candidates that for the post of Constable / Lady Constable in the West Bengal Police, knowledge of Bengali - reading, writing and spoken is compulsory. Apart from this reason, the contention that he was forced by the officials during the entry point for interview to sign a statement is also not plausible and convincing to this Tribunal.

In view of the above observations, this application is disposed of without any orders.

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

BLR