

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 451 of 2023.

SWAPAN PATAR & ANOTHER –Vs- THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

2
17.7.2023

For the Applicants : Mr. G.P. Banerjee,
Ms. A.P. Banerjee,
Advocates.

For the State respondents : Mr. M.N. Roy,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicants had appeared for the recruitment to the post of WBNVF (Aragami) in Civil Defence Organisation, which was conducted by the West Bengal Police Recruitment Board. After completion of the recruitment process, the Board published the final result in which names of the applicants appear at serial no. 81 and 287. As it appears both the candidates – Swapan Patar and Krishna Rana were recommended for selection under unreserved category. This final list also shows both the applicants having mentioned Scheduled Caste as their social category. Attention is drawn to Sub Divisional Officer's letter at page 51 and 52 of this Original Application in which it appears that the SDO, Jhargram on 5.7.2022 communicated to the Superintendent of Police, Jhargram that the applicant Swapan Patar actually belong to 'Tanti' community which is recognised as an OBC(B) Category. The letter also clarifies that due to misconception, 'Tanti' community was included as a

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Scheduled Caste and such a Scheduled Caste certificate was issued to the applicant.

Similarly, in another letter dated 5.7.2022, the S.D.O. informs the Superintendent of Police, Jhargram that the applicant, Krishna Rana was issued a Scheduled Caste Certificate due to misconception. His community 'Lohar' actually belongs to 'Karnar/Karmakar' community, which is a recognised as OBC(B) category and not Scheduled Caste category.

Since due to wrong certificate issued by the S.DO. Jhargram, the PVR of the applicants, have not been completed.

In this regard, the applicants have furnished representations appearing at page nos. 57 and 62 of the Original application praying for issuance of joining letter allowing them to join after being successful in the selection process.

Both the learned counsels for the parties prays that if a direction is given to the respondent, the same be considered and disposed of as per rules.

In view of the above submissions, this application is disposed of by directing the respondent no. 2 – Deputy Inspector General of Police & State Commandant, West Bengal National Volunteer Force, Kalyani to dispose of the matter considering this application as their representations, in accordance with law within a period of three months from the date of communication of this order. In this respect, it is to be noted that I have not gone into the merits of the case and all the points are kept open to be dealt with by the State respondent in this application.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.