

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 463 of 2022.
ASMA FARIYAD -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: None.
<u>4</u> 24.8.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Yesterday when the matter came up for hearing, Mr. S.N. Ray, learned advocate sought for adjournment on behalf of Mr. G. Das, learned advocate for the applicant. The matter was directed to appear today under the heading “Admission Hearing”. Today none appears on behalf of the applicant.

It is submitted by Mr. G.P. Banerjee, learned advocate for the State respondents that the issue is covered by the judgement delivered on 27th June, 2022 in WPA(P) 281 of 2022 – Garden Reach Peace Movement – vs- The State of West Bengal and others, wherein the grievance of the petitioner was since the question papers have not been provided in English language in the recruitment for the post of Constables and Lady Constables in Kolkata Police, there is a discrimination and violation of fundamental right. Submission is in the instant application, the applicant has not challenged the Notification issued regarding recruitment of Constables and Lady Constables in Kolkata Police – 2022 and as the issue raised is covered by the judgement passed in Garden Reach Peace Movement(supra), the application may be dismissed.

Since in the instant application, there is no challenge to the Notification No. WBPRB/Notice- 200/26(CONS-KP-22) for direct recruitment

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in Kolkata Police for posts of Constables and lady Constables, no order can be passed on the application.

In this regard, it is also appropriate to refer to the observations and findings of the Division Bench in Garden Reach Peace Movement (supra) which is as follows :-

“...Having heard learned counsel for the parties and on perusal of the record, it is noticed that learned counsel for the petitioner could not point out that the candidates have fundamental right to demand the question papers in a particular language.

Considering the similar issue in the matter of U.P. Urdu Development Organisation (supra) wherein the cause of Urdu language was espoused by the petitioner, it has been held by the Division Bench of Allahabad High Court that the petitioner had no fundamental right to insist upon the question papers to be provided in a particular language. That apart, learned Advocate General has pointed out Section 2 of the West Bengal Official Language Act, 1961 relating to language to be used for official purpose of the State which provides that in 3 hill sub-divisions of the districts of Darjeeling, Kalimpong and Kurseong, Bengali and Nepali languages and elsewhere the Bengali language shall be the official language of the State of West Bengal as referred to in Article 345 of the Constitution of India...”.

Therefore, In view of the findings by the Division Bench of the High Court, there is no merit in the application. The application is dismissed.

(SOUMITRA PAL)
CHAIRMAN.

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