

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 50 of 2021.

NIRMAL KUMAR MAHATA & ANR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. A. Banerjee, Mrs. S. Das Gupta, Advocates.
<u>2</u> 17.3.2021	For the State Respondent	: Mr. M.N. Roy, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

In this application Nirmal Kumar Mahata and Chunaram Kisku, the applicant nos. 1 and 2 have, inter alia, prayed for a direction upon the respondents for reselection of the candidates for the post of constable under OBC(B) category in Jhargram District and Paschim Medinipur District and to grant appointment to the post of constable under the scheduled caste and scheduled tribe category in the said districts.

It appears that earlier the applicants filed an application being O.A. 765 of 2019 (Nirmal Kumar Mahata – vs- The State of West Bengal & Ors) which was disposed of on 14th November, 2019. Referring to the said order, it is submitted by Mr. A. Banerjee, learned advocate for the applicants since the applicants have filed representations both dated 2nd May, 2018, the said representations may be directed to be considered by the authorities.

Mr. M.N. Roy, learned advocate for the State respondents referring to the said order passed on 14th November, 2019 submits since the issue has been settled by the said order of the Tribunal, no order may be passed.

Heard learned advocates for the parties.

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So far prayer for Chunaram Kisku is concerned, as he has approached the Tribunal after more than five years from the date of conclusion of the selection process, no order can be passed with regard to the said applicant no. 2.

So far as to the prayer of Mr. Banerjee for consideration of representation pursuant to the liberty being granted by the said order dated 14th November, 2019 with regard to the challenge to the selection process in the written test and interview, I find though the applicants in paragraphs 6.8 and 6.9 have alleged that “the pick and choose policy was adopted in giving appointment to other candidates”, as no specific averments have been made and no instances have been cited, no order can be passed on the application. Therefore since a direction for reconsideration of the representation dated 2nd May, 2018 will lead to reopening of the entire issue, no order is passed on the application. The matter is disposed of.

(SOUMITRA PAL)
CHAIRMAN

Skg.