

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 521 of 2023**

Sohel Rana - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

02
10.10.2023

For the Applicant : Mr. V. Chatterjee,
Learned Advocate.
For the State Respondents : Mr. G.P. Banerjee,
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 counsel, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the list of unsuccessful candidates published by the West Bengal Police Recruitment Board on 20.07.2023. It appears that the applicant was one of the candidates mentioned in the list of unsuccessful candidates. Submission of Mr. Chatterjee, learned counsel on behalf of the applicant is that the respondent authority has treated the applicant unfairly by rejecting his candidature. Responding on behalf of the Board, Mr. Banerjee, learned counsel for the State respondents, however, submits that the applicant having failed in the Maths subject in his Class-XII Examination, did not, therefore, qualify to be in the merit list. Reference is made to the 1st page of the advertisement for the post of Wireless Operator and appearing at para (c), the following sentence is mentioned :

“Education Qualification :- The candidate must have passed the Higher Secondary Examination (10+2) conducted by West Bengal Council of Higher Secondary Education (WBCHSE) OR EQUIVALENT Examination from any of the recognized Boards in

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Science with Physics and Mathematics.”

In view of the fact that the candidate was not successful in clearing the Maths subject in his Class-XII, the Board found his candidature not meeting the required educational criteria as stipulated in the advertisement. Mr. Chatterjee disagreeing with Mr. Banerjee submits that the meaning of the words in educational qualification as recorded in the foregoing paragraph is that a candidate should have passed the Higher Secondary Examination (10+2) and as per the Certificate issued by the authority, the applicant has passed it irrespective of the fact that he may not have passed in one subject.

After hearing the submissions of the learned counsels and examining the relevant documents in this application, the Tribunal understands that the requisite educational qualification for the post of Wireless Operator is Higher Secondary (10+2) Examination passed in Science with Mathematics and Physics. Since the applicant had in his Class-XII Examination failed in the Mathematics paper, his candidature for the post of Wireless Operator was not considered. Though, Mr. Chatterjee, learned counsel interprets that in the advertisement, educational qualification was Higher Secondary Examination passed, irrespective of the fact that Mathematics as a subject is to be considered, however, in the opinion of this Tribunal that in the advertisement it is clear that Higher Secondary passed with Mathematics and Physics is compulsory educational qualification. It is understood that the post of Wireless Operator is closely related to subjects Mathematics and Physics. Therefore, a candidate is required to have passed the Higher Secondary Examination with Mathematics and Physics as core subjects.

Since the applicant had not passed the Mathematics paper in his Higher Secondary Examination, therefore, it was legitimate on the part

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of the respondent to have not considered his candidature for the post of
Wireless Operator.

Accordingly, this application is disposed without any orders.

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

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