

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – OA 521 of 2023**

*Sohel Rana* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mr. B. Basak,  
Ld. Advocate.

For the State respondent : Mr. G.P. Banerjee,  
Ld. Advocate.

01  
04.08.2023

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 23<sup>rd</sup> 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.

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. Basak, 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 1<sup>st</sup> page of the advertisement for the post of Wireless Operator and appearing at para (C), the following sentence is mentioned :

“Educational 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 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. Basak 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

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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.

Mr. Basak prays for accommodation to file relevant documents including judgments of Hon'ble Apex Court in cases similar to this on the next date.

Let the matter appear under the heading "**Admission Hearing**" on **25.09.2023.**

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**