

**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 639 of 2023.

SHAHIR NADIM & ORS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

04  
22.08.2024

For the Applicants : Mr. S. Sanyal,  
Mr. D. Chatterjee,  
Advocates.

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. 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.

Mr. Sanyal, learned counsel for the applicants initiates his submission by presenting a booklet bearing memo 648 dated 19.4.2023. The first page of this booklet shows the cut off marks for both Constables and Lady Constables under different social groups. The following pages appears to be the result of those candidates, who were not successful in the recruitment process for the post of Constable and Lady Constable of West Bengal Police, 2020. Drawing attention to RTI replies, Mr. Sanyal expresses that still 1547 vacancies are available which were not filled up by the provisionally recommended candidates due to their failure in completing the formalities of medical and PVR. The RTI reply dated 11.8.2023 informs that a total of 8624 candidates were provisionally selected, out of which a total of 7077 candidates have completed their formalities relating to medical examination and Police Verification Roll. It is submitted that as evident from the above information, out of 8624 candidates provisionally recommended, only 7077 have completed their medical and PVR formalities, thus leaving a vacancy of 1547 still to be filled up.

It is further submitted that no appointment letter has been issued to 1547 provisionally recommended candidates, therefore, as per well settled law, these vacancies, where no appointment letter has been issued, should be filled up by those candidates who were earlier not recommended in the selection process. Hence, these

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30 applicants in this application, who had participated but not recommended in the first round of the same process, should be given an opportunity and appointed to the post of Constable against these vacancies.

Mr. Sannyal has cited two judgements and concludes his submissions :

Writ Petition No. 7117 of 2020 (M. Raj Sekhar – vs- The State of Telengana and 03 others ) and Civil Appeal No.(S) 10583-10585 of 2017 [ @SPECIAL LEAVE PETITION (C) NO(S). 36057-36059 OF 2016] (Munja Praveen & Ors etc. – vs- State of Telengana and Ors etc.).

Let the submissions of Mr. Banerjee learned counsel for the State respondents be presented on the next date. Let the matter appear under the heading “Further Hearing” on 21.11.2024.

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

SCN/Skg.