

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 675 OF 2021

INJARUL HOQUE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
08.02.2022

For the Applicant

: Mrs.Priyanka Sensarma Gupta
Advocate

For the State respondents

: Mr.Goutam Pathak Banerjee
Advocate

In this application, Injarul Hoque, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“ (a) To set aside the rejection of candidature order and appropriate direction upon the respondents to reconsider the candidature of the applicant basis the marks scored by the candidate in the final written examination and the interview by allowing his name to be on the panel of the selected candidates;”

It appears that the applicant, who belongs to the community of “Nashya-Sekh” in the OBC-A category, had applied for the post of Constable (Male) in the West Bengal Police, 2019 recruitment process. The applicant had filled up the form online. It has been stated that by mistake he had tick-marked the “Garwali Community” in OBC-A category instead of “Nashya-Sekh” in the OBC-A category. On 4th June, 2019, the applicant had appeared in the preliminary written examination. On 6th December, 2019 he appeared in the Physical Measurement Test (PMT) and Physical Efficiency Test (PET) and after being successful, appeared in the final written examination on 16th February, 2020. It has been stated that at the time of verification of documents he found that he had made a mistake and “he was assured that such mistake will not be problem and he was sent for the interview” [Paragraph 4 (d) of the

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application]. It appears that the candidature of the applicant was rejected as he had taken the relaxation in PMT for Garwali community despite not being a Garwali as evident from Annexure-‘E’ to the application.

Mrs.P.S.Ghosh, learned advocate appearing on behalf of the applicant submits that since the mistake was unintentional, the respondents may be directed to reconsider the candidature of the applicant on the basis of the marks scored by the candidate in the final written examination and the interview.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that the applicant had declared that he belongs to “Garwali community” and thus had enjoyed the relaxation in height and all along had participated in the selection process and now after the process is over, the result cannot be reconsidered.

Heard learned advocates for the parties. Since the applicant had filled up the online form and had declared himself in the “Garwali community in 2019 and obtained relaxation given to the said community and as he had all along participated in the recruitment process, he cannot now turn back and pray for reconsideration. Therefore, no order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR