

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 760 of 2022

Puja Mandal -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Raul,
Ld. Advocate.
For the State respondent : Mr. D. Kole,
Ld. Advocate.

04
28.07.2023

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 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

Since the names of the respondents in the cause title are erroneous , liberty is given to the applicant to correct these names during the course of the day. Liberty is also given to the applicant to serve copies of this application upon all the respondents along with copy of the Tribunal's order. Let affidavit of serviced be affirmed and filed by the next date.

Mr. Raul, learned counsel for the applicant refers to a Memorandum No. 36039 dated 31.01.2019 issued by the Government of India in which para 2 is relied upon, which is as under :

“The persons belonging to EWSs who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India.”

In response Mr. Kole, learned counsel for the State respondents submits that this Memorandum is applicable for civil posts under Government of India, therefore, this Memorandum is not relevant for the post of Staff Nurse (GNM), Grade-II which is a post under the State Government. Further, Mr. Kole refers to the report of the Respondent No. 2(i)(c), the relevant part is as under :

“It is for your information that the vacancy report sent by H&FW Dept, copy is attached herewith, does not contain any special vacancy for Economic Weaker Section Category. So the vacancies published in the advertisement issued by this Board do not contain any vacancy for Economic

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Weaker Section Category. Moreover, WBHRB has no jurisdiction to go beyond the requisition of vacancies submitted by H&FW Deptt.”

Disagreeing with the submission of Mr. Kole and the reply, Mr. Raul files a copy of Notification No. 959-BCW dated 18.05.2023 and referring to para 2 submission is that the persons belonging to EWSs are to get 10% reservation in civil posts and services in all the wings of the Government of West Bengal, the relevant part is as under :

“The persons belonging to EWS shall get 10% reservation in direct recruitment in civil posts and services in all its departments/boards/corporations/local bodies in the Government of West Bengal and also in admission to Educational Institutions in the state of West Bengal.”

Let the matter appear under the heading **“Hearing”** on **26.09.2023**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

HS/SS