

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 834 OF 2022**

SK ABU TAHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Sk.Rejaul Alam Advocate
<u>05</u> 23.08.2023	For the State respondents	:	Mr.Manujendra Narayan Roy 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to take a decision on the basis of his representation. A representation was filed by the applicant before the Chairman, West Bengal Police Recruitment Board dated 17.05.2022. It appears from the reply to the R.T.I. dated 26.05.2022, the applicant was informed that he could not submit the revalidated/ renewed OBC-A certificate during the interview which was held on 10.03.2022. It appears from page No. 29 in this application that one OBC-NCL Certificate Format was issued to the applicant on 26.04.2022.

Submission of Mr.M.N.Roy, learned counsel for the State respondents is that in the advertisement, it was clearly mentioned that any candidate belonging to OBC-A / B Category and if shortlisted for interview shall have to produce revalidated / renewed of fresh OBC- A / B certificate at the time of interview. Since no such certificate could be produced by the applicant at the time of interview, his candidature was not considered under OBC-A Category.

Appearing on behalf of the applicant, Sk.R.Alam, learned counsel for the applicant without controverting the facts, however relies and refers to a

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judgement of the Hon'ble Supreme Court - Civil Appeal No. 1691 of 2016.

Mr.Roy, prays for accommodation to respond to the submission of Sk.Alam on the next date and file relevant documents of Hon'ble Apex Court.

Let the matter appear under the heading "For Orders" on 22nd February, 2024.

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

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