

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 413 of 2023

Azazul Hoque and Others. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. S. Chakraborty, Advocate.
<u>04</u> 14.05.2024.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.
	For the Public Service Commission, West Bengal	: Mr. S. Bhattacharjee, 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.

The affidavit of service filed today be kept on record.

The primary prayer in this application is for recasting the panel for the post of Fire Operators in terms of the Advertisement No. 15 of 2018. The counsel for the applicants submits that the notification no. 15 of 2018 published on 08.02.2019 had reserved 15 % of post of Fire Operators for the serving auxiliary fire personnel. The relevant part of the notification is as :-

“4. Reservation. –

(2) 15% (fifteen per centum) posts of fire operator shall be reserved for the auxiliary fire personnel who have completed 3 (three) years of service as on 1st January of the year of advertisement for recruitment on horizontal basis.”

Submission is that in the advertisement published for recruitment of Fire Operators, though reservations have been kept for other categories but no separate reservation was made for the serving auxiliary fire personnel. The advertisement for this post was published by the Public Service Commission, West Bengal during May – June, 2018.

ORDER SHEET

Form No.

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In response to the submissions of Mr. S. Chakraborty, Mr. G. P. Banerjee and Mr. S. Bhattacharjee, learned counsels appearing on behalf of the applicants, State and the Public Service Commission respectively argue that at the time the advertisement for such posts published in 2018, the Notification giving 15% reservation for auxiliary fire personnel was not in existence. This notification was published at a later date on 08.02.2019. Therefore, the applicants cannot seek benefits of reservation stipulated in the Notification.

Matter is admitted.

Let the matter appear under the heading 'Reply / Rejoinder' on 13.11.2024.

Let reply of the State and the Commission, if so wished, be filed on the next date.

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

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