

**ORDER SHEET**  
**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-701 of 2023**

**Bibhas Adak @ Bivas Adak. -- VERSUS – The State of West Bengal & Others.**

Serial No. and Date of order 09 07.08.2025	For the Applicant  For the State Respondents	: None.  : Mr. M. N. Roy, Mrs. S. Mitra, Learned counsels.
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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 applicant praying for an order by directing the respondent authorities to give compassionate appointment to the applicant in place of deceased employee, Manik Lal Adak, father of the applicant considering the representations made by the applicant in various occasions. The applicant further praying for cancel / quash and rescind the Government Order vide Memo. No. 1536-PL/PA/5S-34/2023 dated 09.06.2023.

The father of the applicant, Manik Lal Adak was a mechanic of the Kolkata Police who died-in-harness on 22.11.2013. After death of said Manik Lal Adak, mother of the applicant furnished representations on 16.12.2013 and 02.09.2014 to the respondent authorities to appoint the applicant i.e. her younger son in died-in-harness category. The applicant also made a representation on 19.02.2018 to the Joint Commissioner of Police.

The bone of contention of this case is that on 09.06.2023, the Secretary, Department of Home and Hill Affairs to the Commissioner of Police, Kolkata issued a Memo. No. 1536-PL/PA/5S-34/2023 dated 09.06.2023 disapproving the case for appointment under the exempted category in the light of the guidelines contained in the Notification No. 251-Emp. dated 03.12.2013. The reason for disapproving the case for appointment is shown is that the applicant did not fulfil required conditions

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as laid down in the Notification No. 251-Emp. dated 03.12.2013 read with Notification No. 26-Emp. dated 01.03.2016 of Labour Department, Government of West Bengal. The applicant's contention is that these notifications are not applicable as the qualification of the applicant is legal and valid. Finding no other alternatives, the applicant filed this case for the relief as prayed for.

It appears from the submissions and the documents submitted that the applicant has submitted a certificate issued by the Delhi Board of Secondary and Senior Secondary Education for passing secondary education. The Class-X level examination conducted by that Board is not considered as equivalent with the Madhyamik Examination conducted by West Bengal Board of Secondary Education (WBBSE). In support of their claim, the respondent authority submitted a list of 33 Boards whose Class-X level examination is considered equivalent with the Madhyamik Examination conducted by WBBSE. Surprisingly enough, the Board from where the applicant had passed, supposedly is not in any list, therefore, it leaves a serious doubt regarding its existence. Neither the applicant nor the advocate on his behalf submitted any documents from which this Court can satisfy that the Board namely Delhi Board of Secondary and Senior Secondary Education exists in the country. Therefore, the reason stated by the concerned authority / respondent is valid in the eyes of law and I find no illegality in disapproving the application of the applicant.

The Tribunal also finds that the two Notifications stated by the applicant being 251-Emp. dated 03.12.2013 read with Notification No. 26-Emp. dated 01.03.2016 has no connection with this case as the representation for appointment is rejected by the concerned authority on the ground that this Board conducted Class-X level examination is not considered as equivalent with the WBBSE. The applicant and his learned advocate failed to submit any cogent documents to satisfy that such Board,

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namely Delhi Board of Secondary and Senior Secondary Education exists.

Therefore, it is the conclusion of this Tribunal that the decision taken by the respondent authority is quite correct and I find no illegality and irregularity in disapproving the representations made by the applicant. Therefore, the applicant is not entitled to get the relief as prayed for.

The application is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.