

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No OA-1041 OF 2017

MD ANWAR HOSSAIN Vs. STATE OF WEST BENGAL & ORS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>01</u> 19.03.18</p>	<p>For the Applicant : Mr. K.P.Santra Learned Advocate</p> <p>For the Respondent : Mr.G.P.Banerjee Learned Advocate</p> <p>The applicant has prayed for direction upon the respondents to issue appointment letter in favour of the applicant in the post of Constable reserved for OBC-A (Exempted Category).</p> <p>The applicant participated in the selection process for appointment to the post of Constable in West Bengal Police. The applicant belongs to category of OBC-A (Exempted). The contention of the applicant is that only one candidate is appointed from the category of OBC-A (Exempted), while 136 posts were reserved for OBC-A (Exempted). The applicant has categorically mentioned in the application that the applicant got 31.83 marks in the aggregate, while the last selected candidate in the category of OBC-A obtained 37.875 marks in aggregate. By producing a copy of Notification No. 50-EMP/1M-25/98 dated March 1, 2011 issued by the</p>	

ORDER SHEET

MD ANWAR HOSAIN

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **OA -1041 OF 2017**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
	<p>Chief Secretary to the Government of West Bengal, Mr. Banerjee, Learned Counsel representing the State Respondents submits that the vacancies reserved for OBC Category-A and Category-B (Exempted) can be converted to reservation for OBC Category-A and Category-B (Non-exempted), if suitable candidates are not available in the exempted category. In view of marks obtained by the present applicant in aggregate and the marks obtained in aggregate by the last selected candidate belonging to OBC-A (Non-exempted Category), we have no hesitation to hold that the suitable exempted category candidates belonging to OBC-A were not available and as such the appointment was given to the candidates belonging to OBC-A (Non-exempted Category) as per provision of the above Notification dated March 1, 2011.</p> <p>In view of our above findings, we do not find any illegality or arbitrariness by not giving appointment to the present applicant. The application is, thus, dismissed.</p>	

ORDER SHEET

MD ANWAR HOSAIN

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **OA -1041 OF 2017**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
BLR	<p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) MEMBER(A)</p> <p>(R.K.Bag) MEMBER (J)</p>	