

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble P.Ramesh Kumar (Administrative Member)****Case No. OA-301 of 2018****EMILY NANDY Vs. THE 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> 08.08.18</p>	<p>For the Applicant : Mr.S.Roy Chowdhury Mrs.M.Patra Advocates</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>For the Respondent No.2 : Mr.A.L.Basu (West Bengal Police Recruitment Board) Advocate</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p>In this application, the applicant, a Sub-Inspector posted at Agartala in the State of Tripura, has prayed for a direction upon the respondents, particularly on the respondents, that is, the Secretary, Department of Home, State of West Bengal and Chairman, West Bengal Police Recruitment Board, the respondent nos. 1 & 2 respectively, to allow her to apply for the post of Sub-Inspector/ Lady Sub-Inspector of Police (Unarmed Branch). Prayer has also been made challenging the notification regarding relaxation of age for departmental candidates of West Bengal Police only which according to him ultra vires the Constitution. Mr.S.Roy Chowdhury, learned advocate for the applicant submits that since the applicant is a resident of West Bengal,</p>	

ORDER SHEET**EMILY NANDY**

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **OA - 301 OF 2018**

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>though employed with Tripura Police, appropriate order may be passed directing the respondent authorities to allow her to appear in the recruitment process for recruitment to the post of Sub-Inspector/ Lady Sub-Inspector (Unarmed Branch) in West Bengal Police.</p> <p>Mr.A.L.Basu, learned advocate appearing on behalf of learned Advocate General submits that since the applicant evidently is more than 30 years of age and as from the notice for recruitment appearing at page 62 of the original application it is evident that the applicant must not be less than 20 years and must not be more than 27 years as on 01.01.2018, no order may be passed directing her to apply for the post concerned. So far as challenge to the vires of the notification is concerned it is submitted that no ground, far from any valid ground, has been made out challenging the said notification, which is just and proper. Submission is that upper age limit for the departmental candidates belonging to West Bengal Police is relaxable up to the age of 35 years. As the applicant does not belong to West Bengal Police, her case cannot be considered. Moreover, the applicant has already crossed 31 years of age on 01.01.2018.</p>	

ORDER SHEET**EMILY NANDY**

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **OA - 301 OF 2018**

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>Mr.G.P.Banerjee, learned advocate for the State adopts the submission of Mr.Basu.</p> <p>Admittedly, the applicant is working with the Tripura Police and on 01.01.2018 she has crossed 31 years of age. The applicant seeks for a direction upon the respondent authorities to allow her to participate in the recruitment process for the post of Sub-Inspector/Lady Sub-Inspector (Unarmed Branch) in West Bengal Police. In our view, since the applicant has crossed 27 years of age and the upper age limit is only relaxable departmental candidates of the West Bengal Police and as she does not belong to West Bengal Police, no order cannot be passed on this application. So far the challenge to the notification is concerned, it is evident from the grounds that no valid ground has been made out for demonstrating that the notification is ultra vires Articles 14 and 21 of Constitution of India. Therefore, no order is passed in this application. The application is disposed of.</p> <p style="text-align: center;"> (P.RAMESH KUMAR) (SOUMITRA PAL) MEMBER(A) CHAIRMAN </p>	