

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 567 of 2019.

SK. ALAM SAMIM – VERSUS- 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>2</p> <hr/> <p>2.8.2019.</p>	<p>For the Applicant : Mr. A.K. Neogi, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>The matter came up for hearing on 31st July, 2019 when the learned single member directed the matter to appear on 7th August, 2019 under the heading "New Application".</p> <p>Today, Mr. A.K. Neogi, learned advocate for the applicant mentioned the matter before the Division Bench 1A and prayed that since the process for recruitment of police constables is going to be held on 4th August, 2019, the hearing of the matter may be preponed and may be taken up today. We had allowed the prayer. Accordingly, the Registry has issued notice, it has been put up in the list and the matter is taken up for hearing by Bench 1B having determination.</p> <p>It is submitted by Mr. Neogi that as the applicant submitted the application for the post of constables (Male) in WBP 2019, as evident from the</p>	

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	<p>application form appearing at page 16 of the application, and had paid requisite fees, as evident from page 17 of the application, appropriate order may be passed directing the respondents to allow him to participate in the selection process.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents, submits that though the applicant has submitted the application form and paid the fees, however, as his application is not in consonance with the requirements sought for in the advertisement and as the photograph does not satisfy the stipulation contained therein, no order may be passed. In this regard reliance has been placed on paragraph 13 of the information brochure that is "Other Instructions" which stipulates that "...in case of any mismatch of data between application form filled up by the applicants and supporting testimonials at any stage of recruitment, the candidature will be summarily rejected." Our attention has also been drawn to the brochure wherein stipulation is regarding "the schematic depiction of how your photograph should be". As it is clear from the photograph in the application that the upper part of</p>	

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Skg.	<p>the face is cut and it does not cover the entire face and as on similar ground 721 applications have been rejected, no order may be passed. Reliance has also been placed on the judgement passed by the High Court on 17th February, 2016 in W.P.S.T. No. 12 of 2016 in Sraboni Saha – versus- The State of West Bengal and others.</p> <p style="text-align: center;">Heard Mr. Neogi and Mr. Banerjee.</p> <p>Admittedly the applicant has applied for the post of constable (male) and has paid the fees. The question is whether he satisfies the requirements in the advertisement. Perusing the advertisement and the “Guidelines” regarding how “the schematic depiction of how your photograph should be”, in the instant case as we find from page 16 of the application that the photograph does not show the upper portion of the head or does not reveal the entire face, no order can be passed on the application. Therefore, the application is rejected.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	