

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-859 OF 2017

ARPITA MONDAL ROY & ANR. 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;">15 ----- 28.11.19</p>	<p>For the Applicants : Mr.S.N.Ray Advocate</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p style="text-align: center;">In this application, Arpita Mondal Roy and Soma Guchhait, the applicants have prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“ (a) An order do issue thereby setting aside/ quashing/ revoking/ rescinding/ withdrawing/ cancelling the order of rejecting the candidature of the applicants herein as published in the Official Website of the respondent authorities, and after setting aside to issue appointment letter to the post of “Lady Constable” within a stipulated time period.</p> <p style="text-align: center;">(b) An order do issue directing the respondent authorities to appoint your applicant to the post of Lady Constables in West Bengal Police, forthwith without any</p>	

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	<p>further delay with all consequential benefits.</p> <p>(c) An order do issue directing the respondent authorities to transmit all relevant records and papers pertaining to the selection of your applicant to the post of Lady Constable under the respondent authorities for the year 2013 so that conscionable justice be delivered”.</p> <p>The matter was taken up yesterday when Mr.G.P.Banerjee, learned advocate for the State respondents, on instruction, submitted that the application should be dismissed as on the self same selection process of Lady Constable of 2013 the applicants along with other applicants have moved an application being OA-1281 of 2014; Sulekha Hansda & 8 Ors. Vs. The State of West Bengal and Others, which was disposed of on 15th July, 2015 by passing an order. Pursuant to such submission a direction was issued that the matter should appear today under the heading “For Order” and the Registry was directed to produce the record of OA-1281 of 2014. The Registry has</p>	

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	<p>produced the record. The record has been inspected by Mr.S.N.Ray, learned advocate for the applicant and Mr.G.P.Banerjee, learned advocate for the State respondent.</p> <p>We find that in OA-1281 of 2014, Soma Guchhait and Arpita Mondal Roy were the applicant nos. 3 and 4 respectively.</p> <p>After perusing the records of OA-1281 of 2014, Mr.Ray submits that since the applicants did not inform him that they had earlier moved an application with regard to the self same cause of selection process, he is unaware of this fact and may be allowed to withdraw the application with no liberty to move in future on the self same cause of action which is opposed by Mr.Banerjee, on the ground that the present application has been moved suppressing the fact that the applicants had earlier moved an application on the self same issue.</p> <p>We have perused the records of OA-1281 of 2014. We find that Soma Guchhait and Arpita Mondal Roy had earlier moved an application being OA-1281</p>	

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	<p>of 2014; Sulekha Hansda & 8 Ors. Vs. The State of West Bengal and Others, which was disposed of by passing an order which is as under:</p> <p style="text-align: center;">“The petitioner does not wish to file any rejoinder. As such, we have proceeded to consider the prayer made in the application on the basis of the reply and the materials available. In the light of the submissions made by Ld.Counsel for the petitioner and the Respondents, we find that unfortunately, the present petitioner No.5 could not qualify in the written examination and while the others could not be successful in the overall assessment.</p> <p style="text-align: center;">As such we see no reason as to why the Tribunal should interfere at this stage. Accordingly, the petition is disposed of on the aforesaid score”.</p> <p style="text-align: center;">Though we were about to dismiss the application, however, on the prayer of Mr.Ray, we allow the application to be withdrawn with no liberty</p>	

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BLR	<p>to the applicant to challenge the self same selection process in future.</p> <p>The records of OA-1281 of 2014 is directed to be detached from the file and be sent down to the Registry.</p> <p>(P. RAMESH KUMAR) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	