

**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-892 OF 2018**

**MST. MASUMA KHATUN 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>06</u> 18.07.19</p>	<p>For the Applicant : Mrs.S.Ghosh Advocate</p> <p>For the Respondent No.4 : Mr.M.N.Roy Group-D Recruitment Board Advocate</p> <p>For Respondent No. 1, 2 and 3 : Mr.G.P.Banerjee Advocate</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application, the applicant stated to be under the Exempted category,- Census worker, prior of 2011 and has participated in the selection process in the year 2017 for the post of Group-D, has prayed for a direction upon the respondents to recruit her after setting aside the Group-D recruitment examination of 2017.</p> <p style="text-align: center;">Mrs.S.Ghosh, learned advocate appearing for the applicant submits that since the applicant is an ex-census worker of the year 2011, appropriate order as prayed for may be passed.</p> <p style="text-align: center;">Mr.M.N.Roy, learned advocate for the Group-D</p>	

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	<p>recruitment board submits that the application is not maintainable in view of the Notification dated 28<sup>th</sup> September, 2016 particularly paragraph 3.0 thereof, where it has been notified that <i>“a person claiming to have worked in 2001 and/or 2011 and/or in subsequent years’ Census Operations cannot be included in the “Exempted Category” for the purpose of the above Act, 1999 (West Bengal Act XIV of 1999)”</i>.</p> <p>Such submission is adopted by Mr.G.P.Banerjee, learned advocate for the State respondents.</p> <p>Heard learned advocates for the parties. Though this Original application was filed on 14<sup>th</sup> November, 2018, we find that such notification dated 28<sup>th</sup> September, 2016 is not under challenge. Admittedly, the applicant was a Census worker in 2011 and the recruitment process is of 2017 that is after the said notification was issued. Hence, the notification is applicable to the applicant. Since the said notification stipulating that <i>“a person claiming to have worked in 2001 and/or 2011 and/or in subsequent years’ Census Operations cannot be included in the “Exempted</i></p>	

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BLR	<p><i>Category” for the purpose of the above Act, 1999 (West Bengal Act XIV of 1999)” has not been challenged in the application, no order can be passed on this application. The application is dismissed. Let copy of the Notification dated 28<sup>th</sup> September, 2016 be kept on record.</i></p> <p><b>(P. RAMESH KUMAR)</b> <b>MEMBER (A)</b></p> <p><b>(SOUMITRA PAL)</b> <b>CHAIRMAN</b></p>	