

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble P. Ramesh Kumar, Administrative Member.**

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>2</u> 05.03.2020</p>	<p><u>Case No. - OA-160 of 2020 : Tanmoy Chatterjee -Vs- The State of West Bengal & Ors.</u> <u>Case No. - OA-161 of 2020 : Subhas Chandra Patra -Vs- The State of West Bengal & Ors.</u> <u>Case No. - OA-162 of 2020 : Anup Kumar Sarkar -Vs- The State of West Bengal & Ors.</u> <u>Case No. - OA-164 of 2020 : Laltu Majumder -Vs- The State of West Bengal & Ors.</u> <u>Case No. - OA-165 of 2020 : Nitai Chandra Josh -Vs- The State of West Bengal & Ors.</u></p> <p><u>For All Applications</u> For the Applicants : Mr. S. Chatterjee, Mr. S.S. Roy, Advocates</p> <p>For the Respondents : Mr. S. Ghosh, Advocate.</p> <p>The matters have come up under the heading "New Application". Since issues in the five Original Applications, appearing in today's cause list as item nos. 1 to 5, being O.A. 160 of 2020, O.A. 161 of 2020, O.A. 162 of 2020, O.A. 164 of 2020 and O.A. 165 of 2020, are identical, the matters are being heard analogously. We find that copies of the applications have already been served on the State respondents and the State respondents have entered appearance.</p> <p>In these applications the applicants are contractual workers and are working for a few years. It has been</p>	

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	<p>stated that for the purpose of filling up the post of Driver an advertisement dated 20th February, 2020 was published wherein it was communicated that online registration and submission of application would be allowed on the website on and from 20th February, 2020 to 4th March, 2020. The applicants, who are general candidates, have stated that as the age limit for general candidates is 40 years and as they are working for a number of years as contractual workers, directions may be issued upon the respondents to participate in the selection process by relaxing the age bar.</p> <p>Mr. S. Chatterjee, learned advocate for the applicants relying on the unreported judgements of the High Court passed in W.P. No. 226 (W) of 2020 : Sidhesh Mishra vs. The State of West Bengal & Others and in W.P. 4027 (W) of 2020 : Mirza Nur Alam vs. The State of West Bengal & Others and the judgement of the Tribunal in O.A. 532 of 2018 : Krishna Gopal Roy vs. The State of West Bengal & Others, submits that appropriate directions may be issued upon the respondents to consider the candidatures of the applicants and to allow them to participate in the selection process.</p> <p>Mr. S. Ghosh, learned advocate for the State respondents submits that in view of the judgement passed</p>	

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	<p>by the High Court in WPST No. 53 of 2018 (The Chairman, Public Service Commission, West Bengal –Vs- Palash Kumar Samanta & Ors), as relaxation of age bar of the applicants is not permissible, no order may be passed. Moreover, the selection process has been concluded on 4th March, 2020.</p> <p>In reply Mr. Chatterjee submits that as the representations dated 24th February, 2020 were furnished before the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, the respondent no.4, for condoning the age and as the original applications were filed on 28th February, 2020, directions may be issued upon the State respondents to consider their applications for relaxation of age to enable them to appear in the selection process.</p> <p>Heard learned advocates for the parties. Admittedly the applicants in the original applications are working on contractual basis for the past few years. The advertisement for recruitment to the post of Drivers in the General category with age limit of 40 years was published in the newspapers and it was communicated that online registration and submission of application would be allowed on the website on and from 20th February, 2020 to 4th March, 2020. It appears that the candidates are over</p>	

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SCN.	<p>aged. Prayer is for a direction upon the applicants to consider their representations for relaxing the upper age limit to enable them to participate in the selection process. In our opinion in view of the judgement passed in The Chairman, Public Service Commission, West Bengal –Vs- Palash Kumar Samanta (supra) as relaxation of age cannot be granted, no order can be passed on the applications. The orders passed in Sidhesh Mishra (supra), Mirza Nur Alam (supra) and the judgement of the Tribunal passed in Krishna Gopal Roy (supra) do not come to the aid of the applicants as therein the selection process was yet to be held, whereas in the instant applications, the selection process has been concluded on 4th March, 2020. Hence no order is passed on the applications. The applications are disposed of.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	