

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.****Case No –OA-479 of 2020.****Suman Kar & Others. –Vs- The State of West Bengal & Others.**

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>1</u> 14.12.2020.</p>	<p>For the Applicants : Mr. M.N. Roy, Mr. G. Das, Mr. G. Halder, Advocates.</p> <p>For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>Mr. M.N. Roy, learned advocate for the applicant, in the morning had mentioned that since the matter is urgent it may be taken up today as an unlisted new application as a copy of the application has been served on Mr. G.P. Banerjee, learned advocate for the West Bengal Police Recruitment Board –the respondent no. 4 since he has been empowered by the West Bengal Police Recruitment Board to appear in similar matters. Considered the urgency and satisfied. Leave granted to the applicants to affirm and file and move the application. Accordingly the registry is directed to publish supplementary cause list.</p> <p>Supplementary cause list has been published and the matter has come up under the heading “New Application”.</p> <p>Let a copy of the application be served on him by Mr. Roy, which is served and accepted.</p>	

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	<p>In this application, the applicants belonging to Unreserved category, Scheduled Caste category, Scheduled Tribe category, OBC-A category and OBC-B category, who have participated in the recruitment process for the vacancies for the post of Constable (male) in the West Bengal Police pursuant to the advertisement published on 3rd February, 2019, have challenged the selection process. Mr. Roy submits that since the entire selection process lacks transparency, the recruitments be stayed. Since the names of the members of the Recruitment Board for interview was published prior to the date of interview, as the breakup of marks in the final written examination has not been disclosed and as prior to interview the marks secured in the written examination were not disclosed and no final merit list has been published and as there has been violation of reservation policy, the entire selection process and recruitment be stayed. Mr. Roy has relied on an order dated 18.11.2020 passed in OA 430 of 2020 (Akash Bhunia & Others -v- State of West Bengal & Others) passed in a similar matter, in support of his submission.</p>	

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	<p>Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the application is misconceived as assuming the names of the members of the Recruitment Board were disclosed prior to interview yet the applicants had participated in the interview on and from 12th August, 2020 and such challenge regarding disclosure of names of the members of the Board after more than three months is motivated and illegal. Submission is after final result was published advertisements were published in the newspapers intimating that the final result in connection with recruitment has been uploaded on the website of West Bengal Police and to find the result on the website the candidates were advised to search by keying -In their application. It was also intimated in the advertisement that the list of provisionally selected candidates was also available on the notice board of the West Bengal Police Recruitment Board. It was further intimated that marks obtained by the candidates who appeared in the final written examination and those that were short listed for the interview for recruitment would also be available on</p>	

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	<p>the website of the West Bengal Police, - except the candidates who are absent during interview and candidates whose candidature had been rejected on final scrutiny, - for a period of fifteen days with effect from 21st October, 2020. The advertisement further intimated that the candidates might see their marks by clicking the link on the websites of the West Bengal Police. According to him since the applicants did not avail themselves of the said opportunity, the Original Application is premature. Since the entire process of selection was transparent no order may be passed. Mr. Banerjee further submitted on instruction that the statement about the selection of Washim Sk. as a successful candidate is incorrect as being an unsuccessful candidate he has not been selected. Moreover as the copy of the application has been served only on him appearing for the respondent no. 4 and the private respondents are yet to be served, no order may be passed. On a query it is submitted by Mr. Banerjee on instruction that the medical examination of some successful candidates have been completed and some appointment letters have been issued.</p>	

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	<p>In reply, Mr. Roy submits that the participation in the interview in spite of the allegations made in the application is demurrer. Moreover, as the selection process lacks transparency, appointments be stayed.</p> <p>Heard learned advocates for the parties.</p> <p>Let reply be filed by 21st December, 2020. Rejoinder, if any, by 15th January, 2021. Matter to appear under the heading "Reply, Rejoinder and Objection" on 18th January, 2021.</p> <p>So far the prayer for interim order is concerned as the applicants had appeared in the interview on 12th August, 2020, though it has been alleged that the names of the members of the Recruitment Board has been disclosed and as it is submitted by Mr. Banerjee on instruction that Washim Sk., -the private respondent no. 8, has not been selected, let there be an interim order to the extent the appointments made will abide by the result of the application.</p>	

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<i>Rajib</i>	<p>Mr. Roy, learned advocate for the applicant is directed to serve copies of the application along with copies of this order downloaded from the Internet / Website on each of the respondents by 16th December, 2020 and shall file affidavit of service on the next date of hearing.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	