
(2014) 05 CAL CK 0009

In the Calcutta High Court

Case No : W.P.S.T. Nos. 93, 94, 95, 96, 97, 98 and 99 of 2014

Kaliram Mahata and Others

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 15-05-2014

Acts Referred:

Citation : (2015) 2 CHN 26

Hon'ble Judges : Nishita Mhatre, J; Tapash Mookherjee, J

Bench : Division Bench

Advocate : Rabindra Nath Mahato, Joyeeta Chakraborty and Prasanta Behari Mahata, Advocate for the Appellant; Joytosh Majumder, Tulsidas Roy and Sirsanya Bandyopadhyay, Advocate for the Respondent;

Final Decision : Dismissed

Judgement

1. The Petitioners in all these Writ Petitions had applied for selection to the post of Junior Constables with the West Bengal Police. The Petitioners claim that they belong to the "Kurmi" community which has been categorized as O.B.C. "B". The Petitioners in all these writ petitions participated in the selection process. However, they were found to be unsuccessful. They, therefore, challenged the selection process before the West Bengal Administrative Tribunal by filing separate Original applications, being O.A. Nos. 687 of 2013 (WPST 93 of 2014), 684 of 2013 (WPST 94 of 2014), 685 of 2013 (WPST No. 95 of 2014), 690 of 2013 (WPST No. 96 of 2014), 686 of 2013 (WPST No. 97 of 2014), 694 of 2013 (WPST No. 98 of 2014) and O.A. No. 691 of 2013 (WPST No. 99 of 2014). The contention raised by the Petitioners before the Tribunal and before us is that the Government has not observed the Reservation Policy in accordance with law. According to the Petitioner, when the advertisement did not specify any split in the O.B.C. Category into the candidates for O.B.C."A" and O.B.C."B", the question of filling up posts in this manner did not arise. It is further submitted that since no reservations were made for Ex-servicemen and Exempted Category candidates, there is a clear deviation in the selection and recruitment process.

2. Before we proceed with these petitions, it is necessary to state here that although the Petitioners in all these petitions had approached the Tribunal after the selection process was over and appointments had been made, none of the persons, who were appointed, have been made parties to the respective applications. Therefore, those persons are not before us either.

3. The submission of the Petitioners that there could not be a split in the O.B.C. Category, is of no consequence as there is a notification issued indicating that the vacancies should be filled in by reserving 10% candidates for the O.B.C."A" category and 7% for the O.B.C."B" category. Therefore, the contention that there cannot be a split in the O.B.C. Category is unsustainable.

4. It has been submitted on behalf of the Petitioners that the notification dated 1st March, 2011 indicates in Clause 8 that if candidates from the Exempted Category belonging to the S.C., S.T., O.B.C."A" and O.B.C."B" are not available, then the vacancies will be filled in by the non-Exempted Category candidates belonging to S.C., S.T. or O.B.C."A" or O.B.C."B" categories. The contention of the learned Advocate for the Petitioners, therefore, is that besides the reservation for the O.B.C."B" category, an additional number of vacancies should be considered for the O.B.C."B" category because admittedly there were no Exempted Category candidates.

5. The Tribunal has accepted the chart produced by the State indicating the manner in which the vacancies were filled in. There were 350 vacancies in the O.B.C."B" Category, which included the quota allotted for the Exempted Category because there were no candidates from the Exempted Category. Although the chart does not indicate the reservations made for the Ex-Servicemen, Mr. Joytosh Majumder, the learned Counsel for the Respondents in some of these writ petitions, has produced before us a chart, which is taken on record, indicating that four persons from the General Category have been recruited as Ex-Servicemen. In our opinion, the Tribunal has not committed any error in dismissing the applications.

6. Another submission was advanced by the learned Advocate appearing for the Petitioners that one Atanu Dolai had been called for an interview despite the fact that he had got negative marks in the written test. This candidate has not been selected at all and, therefore, the submission regarding Atanu Dolai is of no consequence. In our opinion, the common order of the Tribunal passed in all these Original Applications does not suffer from any infirmity.

7. Hence, all the Writ Petitions, being WPST Nos. 93 of 2014, 94 of 2014, 95 of 2014, 95 of 2014, 96 of 2014, 97 of 2014, 98 of 2014 and 99 of 2014 are dismissed with no order as to costs.

8. Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties upon compliance of all necessary formalities. Photostat copy of this order duly counter signed by the Assistant Court Officer be retained with the records of WPST Nos. 94 of 2014, 95 of 2014, 96 of 2014, 97 of 2014,

98 of 2014 and WPST No. 99 of 2014.