

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPST 100 of 2020

Bidyut Samanta & Ors.
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Ms. Dona Ghosh
Mr. Sushovon Dey
... For the petitioners

Ms. Chaitali Bhattacharya
Mr. Subhendu Roy Choudhury
... For the State

The petitioners aspired to participate in the recruitment process pertaining to the posts of Assistant Superintendent (Non Medical), Grade-II. Apparently, they have crossed the maximum age, making them ineligible as candidates. They applied to the authorities for relaxation of age limit relying on the relevant Government notifications. Upon their requests being turned down, they approached the West Bengal Administrative Tribunal with a similar prayer by filing OA No.286 of 2020. By an order dated October 12, 2020, the Tribunal directed filing of affidavits and posted the matter for hearing on February 22, 2021. It was further observed that action taken by the State respondents shall abide by the result of the application.

The present petitioners are aggrieved by the posting of the matter towards end February, 2021 and they request for earlier hearing of the matter. It is submitted that the recruitment process is going on and unless the issue of age relaxation is decided at an early date, they will miss the bus. They have also referred to certain Government notifications and the decision of the Hon'ble Supreme Court in the case of **Uma Devi**.

Advocate representing the State submits that age relaxation is not permissible contrary to the statutory rules. She further submits that even if the petitioner nos.3 and 4 are granted age relaxation, that will not enure to their benefit in any manner.

We are not inclined to go into the merits of the matter. In our view, justice will be done if the Tribunal is requested to hear out and decide the writ application filed by the petitioners at an early date.

Let affidavit on behalf of the State be filed before the Tribunal by January 6, 2021. Reply thereto, if any, be filed by January 13, 2021. The parties will be free to seek an early hearing and disposal of the matter before the Tribunal after exchange of pleadings.

We have not gone into the merits of the case. The Tribunal is requested to take an early decision in the matter in accordance with law.

WPST 100 of 2020 is accordingly disposed of.

Certified website copies of this order, if applied for, be urgently made available to the parties, upon compliance with the requisite formalities.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)