

20.07.2021
SL No.16
Court No.16
(gc)

WPST 20 of 2021

**Samir Sarkar & Anr.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Suryasarathi Basu,
...for the Petitioners.
Mr. Anirban Ray, Ld. G.P,
Mr. Pinaki Dhole,
Ms. Kakoli Samajpati,
Mr. Sayan Ganguly,
...for the State.

The applicants before the Tribunal were seeking recruitment to the post of Constables. They have challenged the advertisement No.6/2018/WBPRB issued by the West Bengal Police Recruitment Board, on the ground that since in the recruitment process of 2008-09 in which they had participated the educational qualification prescribed was Class-VIII pass and when the recruitment has now been initiated there has been an enhancement in the educational qualification from Class-VIII to Madhyamik pass, as a result whereof, they may not be selected even after relaxation of the upper age limit is allowed in their case. The learned Tribunal after considering the materials on record noticing that the Coordinate Bench by an order dated 23rd February, 2016 permitted age relaxation only did not interfere with the advertisement.

We are in agreement with the order passed by the West Bengal Administrative Tribunal. However, considering the

fact that the Coordinate Bench expressed anxiety after taking into consideration the fact that 3500 persons have been given employment after the order dated 17th June, 2010 was passed which may not strictly conform to the recruitment rules prevailing at the relevant time and vacancies are filled up in terms of the notification dated 24th February, 2010 was found to be illegal and in violation of Articles 14 and 16 of the Constitution of India. We feel that having regard to the fact that the writ petitioners had the educational qualification for being considered in the recruitment process of 2008-09, the authorities concerned may consider the case of the applicants only sympathetically after taking into consideration the special circumstances. The authorities concerned may take appropriate decision in this matter within four weeks from date. This order shall not be treated as a precedent. In the event any appointment is made in terms of this direction that shall not create any equity in favour of the other applicants.

With the aforesaid observation, the writ petition being WPST 20 of 2021 stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)