

31.08.2023  
Item No.3  
gd/ssd

WP.ST/10/2022  
ATANU DAS AND ORS.  
VS  
THE STATE OF WEST BENGAL AND ORS.

Mr. Sukanta Chakraborty,  
Mr. Suman Banerjee  
... for the petitioners.

Mr. Tapan Kumar Mukherjee, Sr. Adv.  
Mr. Somnath Naskar,  
Ms. Sangita Roy  
... for the State.

1. The petitioners who are the civic volunteers have filed this writ petition praying for a direction upon the respondents to quash the entire selection process for the Post of West Bengal Police Constable (Male) conducted by the West Bengal Police Recruitment Board in terms of the Recruitment Notification dated 3<sup>rd</sup> February, 2019.

2. It is not in dispute that identical relief was sought for by the petitioners before the learned Tribunal and admittedly the application is yet to be disposed of by the learned Tribunal.

3. However, the petitioners have come before this court with an identical relief solely on the ground that the learned Tribunal in OA 430 of 2020, 479 of 2020, and 210 of 2021 by a common judgment dated 28<sup>th</sup> January, 2022 allowed the said Original

Applications in part and issued certain directions to the Recruitment Board.

4. It is the submission of the learned advocate for the petitioners that the effect of the decision of the learned Tribunal dated 28<sup>th</sup> January, 2022 would have an impact on the Original Applications filed by the petitioners before the learned Tribunal.

5. We are unable to persuade ourselves to agree with the said submission of the learned advocate for the petitioners for the reason that the learned Tribunal was considering broadly these issues of which one of the issues whether the selection/recommendation of the Scheduled Castes, Scheduled Tribes, Other Backward Community A and B against the unserved vacancies in spite of availing benefit of age relaxation, height relaxation etc. under the provisions of the West Bengal Scheduled Castes, and Scheduled Tribes (Reservation of Vacancies in Service and Posts) Act, 1976 was just and proper. There were other subsidiary issues which were considered by the learned Tribunal with regard to the certain candidates who are alleged to not possess the language qualification, another issue regarding award of fractional marks, recommending candidates who did not qualify in the physical measurement test or the physical efficiency test etc. The issue as to whether the rights of the civic volunteers stood abridged or affected

and whether the quota which they claim was given effect to or not was never the subject matter of consideration by the learned Tribunal which delivered the common judgment dated 28<sup>th</sup> January, 2022.

6. Therefore, the petitioners have to agitate all the grounds in the pending application before the learned Tribunal and at this stage the writ petition cannot be entertained as it is premature.

7. In the result, the writ petition stands disposed of by giving liberty to the petitioners to raise all the contentions both factual as well as legal in the pending application before the learned Tribunal.

8. The learned Tribunal is requested to give an early hearing to the said application as the business of the learned Tribunal would permit.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**