

07
14.08.2023
KAUSHIK

WP.ST 112 of 2023

Md. Shadab Hussain & Ors.

Vs.

The Chairman, West Bengal Police Recruitment Board & Anr.

Mr. Nripendra Krishna Roy

... for the petitioners

Mr. Tapan Kumar Mukherjee, Ld. AGP

Mr. Somnath Naskar

... for the State

The writ petition is directed against an order dated June 22, 2023 passed in O.A. 406 of 2023 by the West Bengal Administrative Tribunal.

By the impugned order, challenge thrown by the writ petitioners to the denial of their candidature in the selection process for the post of 'constables' in the West Bengal Police was negated.

Learned advocate appearing for the writ petitioners submits that, the writ petitioners know 'Bengali'. They are able to read and write 'Bengali'. They were made to write that they did not know 'Bengali' or could not speak 'Bengali'. He contends that, nobody in the selection process can be asked to give such declaration in writing.

Learned senior advocate appearing for the State

submits that, the selection process was conducted in terms of the notification dated January 21, 2022.

By the notification dated January 21, 2022, application for recruitment to the post of 'constable' and 'lady constable' in West Bengal Police for the year 2020 was invited. The relevant eligibility criteria prescribed in such notification is as follows:

"3. ELIGIBILITY:-

- a.
- b.
- c.
- d. Language:- (i) The applicant must be able to speak, read and write the Bengali language. However, this provision will not be applicable to the persons who are permanent residents of hill sub-divisions of Darjeeling and Kalimpong Districts. (ii) For the applicant of hill sub-divisions of Darjeeling and Kalimpong Districts, the provisions laid down in the West Bengal Official Language Act, 1961 will be applicable."

Writ petitioners participated in the selection process without any demur. In the selection process, the writ petitioners wrote in 'Hindi' that they were unable to converse in 'Bengali' or write 'Bengali'.

Learned advocate for the writ petitioners were shown the photocopies of the documents, which the writ petitioners wrote during the selection process. On perusal of such documents, he acknowledges that, his clients did write such letters.

The letters spoken of are in vernacular 'Hindi', which states that the writer thereof is unable to read and write 'Bengali' and converse in 'Bengali'.

Therefore, none of the writ petitioners qualified the essential eligibility criteria of clause 3(d) of the selection process prescribed. Consequently, the rejection of their candidature cannot be said to be vitiated.

In the selection, the writ petitioners were asked to give it in writing that they were unable to read, write or converse in 'Bengali', which they did. Requiring the candidates to make a declaration in writing to accept that they did not fulfil the eligibility criteria, at the selection process, does not vitiate the process.

In such circumstances, we find no merit in the present writ petition.

WP.ST 112 of 2023 is dismissed without any order
as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)