

67 17.01
Ct No 2023
21
AGM

W.P.A. 20277 of 2022

**Fardinand Kullu & Ors
Vs
The State of West Bengal & Ors**

Mr. Debjyoti Basu,
Mr. Chandan Kumar Lal,
... For the Petitioners.

Mr. Suman Dey, ... For the State.

Leave to deposit deficit Court fees, as directed by Mr. Debjyoti Basu, learned counsel appearing for the petitioners, is allowed.

Let such Court fees be paid by tomorrow, i.e. January 18, 2023.

In this writ petition the petitioners challenged the impugned notice dated July 15, 2022. The petitioners applied to be appointed to the post of Excise Constable pursuant to the advertisement issued by the West Bengal Police Recruitment Board. The reason for rejection of the candidature of the petitioners was that they did not have the necessary qualifications in Bengali/Nepali as a language paper at the Madhyamik level or its equivalent or above.

The petitioners stated that as per the said advertisement the ability to read, write or speak in Bengali / Nepali was an essential requirement for the recruitment process and not the efficiency at the

Madhyamik level.

The petitioners claimed that their rejection was illegal and arbitrary.

Mr. Suman Dey, learned counsel appears on behalf of the State and submits that the subject matter of the writ petition is clearly within the purview of Administrative Tribunals Act, 1985. The petitioners have applied for recruitment in the West Bengal Police and, therefore, should have approached the learned Tribunal for agitation of their grievance.

This Court is of the view that the subject matter of the writ petition is within the purview of the Administrative Tribunals Act and this Court lacks jurisdiction to receive, try and determine the writ petition.

In the circumstances, **WPA 20277 of 2022** is **dismissed**.

This Court makes it clear that it has not gone into the merits of the writ petition.

Liberty is given to the petitioners to approach the appropriate forum. The said respondents are willing to give their consent for adjudication of the issues in the present writ petition by a single member in the said forum.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)