

14th July, 2025
(D/L No.93)
Ct. No.4
(SKB)

W.P.S.T. 34 of 2025

Alamgir Sekh
Versus
State of West Bengal and others

Mr. Robiul Islam,
Mr. Masooq Rahman
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Tuli Sinha
... for the State.

1. Heard the learned counsel for the petitioner and the learned AGP.
2. The petitioner's father died in harness on 26.12.2006. He was serving in the police force as a constable.
3. The petitioner has clearly stated in his original application filed before the State Administrative Tribunal (in short 'Tribunal') in O.A. No.10 of 2024 that he made his application "by submitting all necessary documents". The petitioner's claim for appointment as a constable under the "exempted category" was being considered by the authorities.
4. For the first time, around more than 5½ years after his father's demise, it was considered by the authorities that since the petitioner did not

possess the requisite qualification for appointment under the “exempted category”, steps were required to be taken for his consideration in the Group-D services. In this regard, there is repeated communication between the Superintendent of Police, Murshidabad and the Inspector General of Police (Admn.), West Bengal. The relevant correspondences are dated 27.07.2010, 27.04.2012, 07.05.2012, 01.06.2012 and 19.06.2013. In 2014, the Superintendent of Police, Murshidabad has again communicated to the Inspector General of Police (Admn.) forwarding the petitioner’s claim along with the report of the Enquiry Committee constituted to examine the petitioner’s claim and his entitlement to receive the benefits having regard to his financial status etc. The records reveal that correspondence was being exchanged between the high level police officials which continued till 2023.

5. It is relevant to mention here that in an around 2010 when the authorities were of the view that he was not possessing the requisite qualification for appointment under the “exempted category”, they recommended his claim for appointment to the Group ‘D’ post.
6. After keeping the petitioner’s claim pending for about 17 (seventeen) years after his father’s

demise, all of a sudden, he was communicated an order of rejection dated 24.01.2023. The rejection order surprisingly records a finding of the petitioner's application being belated and not on the prescribed proforma. The communication issued in January, 2023, for the first time has raised the issue regarding the application not being on the prescribed proforma. All the earlier correspondences on record between the high level police officials show that the petitioner's claim has repeatedly been recommended for processing of the same as par his eligibility.

7. The learned State counsel has not been able to show any correspondence prior to the rejection order dated 24.01.2023 regarding the application being not on the prescribed proforma.
8. In view of the various correspondences on record between the higher police officials repeatedly recommending and forwarding the petitioner's claim, we are not inclined to accept the reason assigned in the impugned order dated 24.01.2023 that the petitioner's application was either belated or not in prescribed proforma. We, therefore, set aside the letter dated 24.01.2023 issued by the OSD & Ex-Officio Senior Special Secretary, Home & Hill Affairs Department, Police Establishment Branch, Government of West Bengal.

9. The order of the Tribunal affirming the rejection order, therefore, is also, in our opinion, unsustainable. The order dated 09.07.2024 passed in O.A. 10 of 2024 by the West Bengal Administrative Tribunal is hereby set aside.

10. Having set aside the impugned order, we remit the matter to the authorities to pass a fresh reasoned and speaking order as per the petitioner's entitlement and in accordance with law, but without raising the issue of the application filed by the petitioner not being on prescribed proforma, or belated.

11. Let the final order be passed by the authorities within three months from the date of receipt, or production of a copy of this order.

12. The writ petition stands allowed in these terms.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)