

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA 22 of 2024

Rise Ahmed Laskar & Ors. - Vs - The State of W.B. & Ors.

Serial No. and
Date of order

For the Applicant

:

None.

04

16.05.2024

For the State Respondents

Mr. M.N. Roy,
Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The prayer in this application relates to recruitment for the post of Constables under Kolkata Police. The applicants being Civic Volunteers have prayed that the cut off marks fixed by the Recruitment Board for their social categories were unrealistically very high and, therefore, they could not be successful to move to the next level of selection process.

Mr. Samanta, learned counsel for the applicants agrees that it is the complete domain of the respondent authorities to fix the cut-off marks at any stage of the examination. His only contention is that such cut-off marks which appears to him to be unrealistically high for the category to which the applicants belong has not been made transparent to the candidates. In response, Mr. Roy, learned counsel for the State respondents insists that for this examination, the West Bengal Police Recruitment Board had fixed a very rational cut-off marks and such marks was based on certain parameters.

Mr. Roy has filed copies of minutes of the Board meeting held on 11.10.2023. He has also filed the comparative chart in which the applicants' performance has been shown against the cut off marks for each category. From this comparative chart it is noted that none of the seven applicants belonging to different categories are nowhere near the cut off marks. This cut off marks was fixed by the Board for the successful candidates to appear on the next stage of the recruitment process, PMT & PET.

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The chart is as follows :-

West Bengal Police Recruitment Board
Araksha Bhawan, Block-DJ, Sec-II
Salt Lake City, Kolkata – 700 091.

Particulars of seven applicants in connection with case O.A. No. 22 of 2024 in the matter of Rise Ahmed Laskar & Ors. Vs. The State of W.B. & Ors. in respect of recruitment to the post of Constables/Lady Constables in Kolkata Police, 2022.

Sl. No.	Appln. Sl. No.	Name	D.O.B.	Gender	Category	Sub-Category	Marks obtained in Prem.written test.	Cut off marks for the respective category for called for PMT & PET	Remarks
01	90029637	Rise Ahmed Laskar	1995-05-04	M	OBC-A	Civic Volunteers	46.500	54.25	Not selected for PMT & PET.
02	90210627	Sujit Ghosh	1993-05-09	M	OBC-B	-do-	34.500	61.75	-do-
03	90059616	Kamirul Mondal	1995-08-03	M	OBC-A	-do-	13.500	54.25	-do-
04.	90430205	Md. Zafar	1997-10-15	M	OBC-A	-do-	20.500	54.25	-do-
05	90228975	Sujan Das	1996-01-01	M	SC	-do-	42.750	53.25	-do-
06.	90334594	Anisur Rahaman	1994-05-09	M	OBC-A	-do-	23.750	54.25	-do-
07.	90506960	Vishmadev Das	1990-05-15	M	SC	Not applicable	18.500	55.75	-do-

It is not in dispute that the next round of the selection process was limited to only those candidates who were able to cross the cut-off marks set against each category. It has also not been agitated that without any cut-off marks, successful candidates were elevated to the next round what has been complained is that the cut-off marks were irrationally high for their categories. What should have been a 'rational' or 'reasonable' cut-off marks have not been suggested by the applicants. These applicants felt that the cut-off marks were high, but it is also a fact that whether it was high or low,

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irrational or rational, a number of other candidates could successfully cross it and made it to the next stage. Therefore, the Tribunal does not find their plea tenable. It is the prerogative of the Board to decide what should be the cut-off marks. Such decision on cut-off marks depends on the vacancies and number of participants. The very plea of the applicants that the cut-off marks were 'irrational' is absurd and meaningless. What should be the cut-off marks and which candidate is fit for selection are decisions to be made by the Selection Committee/Board. The Tribunal has neither any expert nor the legal backing to vitiate the recruitment process on such grounds. The Hon'ble Supreme Court has in a number of judgements laid the law and defines the role of Courts and Tribunals.

In view of above observations and finding no merit in the prayers in this matter, the Tribunal disposes of this application without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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