

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 228 of 2017.

MINATI DAS –Vs- THE STATE OF W.B. & ORS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>11 4.10.2018.</p>	<p>For the Applicant : Mr. S.N. Ray, Advocate.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>In this application the applicant belonging to Scheduled caste category, who has applied for the post of lady constable in West Bengal Police under Home (Police) Department, Government of West Bengal has prayed for a direction to include her name in the finally selected list of candidates.</p> <p>It is submitted by Mr. S.N. Ray, learned advocate that the applicant was informed that she had been selected. However, by memo dated 13th October, 2014, the Superintendent of Police & Member, West Bengal Police Recruitment Board holding additional charge of Member Secretary, West Bengal Police Recruitment Board intimated that such intimation was wrong as she had not been selected in the final reckoning. It is submitted by Mr. Ray, that as posts are vacant in the Scheduled caste category, direction may be issued on the respondent to appoint the applicant.</p> <p>Mr. M.N. Roy, learned advocate for the</p>	

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	<p>respondent submits that since the last selected candidate as well as the applicant got the equal marks and as the last selected candidate was older in age, she was given appointment. Moreover, submission is made that on the self same issue the applicant had earlier filed an application before the Tribunal being OA 26 of 2015 (Minati Das –Vs- State of West Bengal & Others) which was disposed of on 11th April, 2016 and hence the issue is covered and hit by the principle of resjudicata.</p> <p>Heard Mr. S.N. Ray, learned advocate for the applicant and Mr. M.N. Roy, learned advocate for the State respondent. We find that the applicant had filed OA 26 of 2015 (Minati Das –Vs- State of West Bengal & Others) which was disposed of on 11th April, 2016 by passing the following order:-</p> <p><i>“.....The applicant had applied for the post of Lady Police Constable in the West Bengal Police Force. The last selected candidate and the applicant secured the same mark. Since the last selected candidate was older in age, she was given appointment considering the well-established norms followed by the Department. As such the present Applicant who has filed this Original Application, in our mind does not merit any consideration.</i></p>	

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Skg.	<p><i>Furthermore on behalf of the Department, it has been submitted that all the posts have been filled up. As such we feel there is no scope for us to interfere in this Application which is accordingly disposed of.”.</i></p> <p>In our view since the issue has already been resolved and the Tribunal had accepted the fact that all the posts have been filled up, no further order can be passed on this application. Hence, no order is passed on this application. The application is disposed of.</p> <div> <div>(P. Ramesh Kumar) Member (A)</div> <div>(Soumitra Pal) Chairman.</div> </div>	