

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – OA 371 OF 2018

**NILKAMAL CHATTERJEE Vs The State of West Bengal & 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>4</p> <hr/> <p>05.12.2018</p>	<p>For the Applicant : Mr. P. Debnath Advocate</p> <p>For the Respondents : Mr. R.A. Chowdhury Advocate</p> <p>For the West Bengal Public : Mr. A.L. Basu Service Commission Mr. S. Bhattacharya Advocate</p> <p>In this application, the applicant, who had applied for the post of Deputy Ranger / Forester in the Department of Forest, Government of West Bengal under the unreserved category, has challenged the selection of the private respondent nos. 5, 6 and 7 on the ground that since the applicant and the private respondents have secured equal aggregate marks, being an older candidate, he should have been selected. Mr. P. Debnath, learned advocate appearing on behalf of the applicant submits that since one post has been kept vacant pursuant to the order passed by the Tribunal on 20<sup>th</sup> January, 2017 in O.A. 59 of 2017 (Nilkamal Chatterjee vs. State of West Bengal &amp; Ors.), the applicant may be directed to be appointed. On a query it is submitted by Mr. Basu, learned advocate</p>	

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	<p>appearing on behalf of the West Bengal Public Service Commission that the said matter was ultimately withdrawn by the applicant and disposed of with liberty to move afresh before the Tribunal.</p> <p>Mr. Basu submits that the applicant had applied for information under the Right to Information Act, 2005. The query of the applicant was replied to as evident from page 84 of the application. Since the candidates were of the same age and there was a tie, the Commission had applied a method that the candidate obtaining more marks in the MCQ Part-1, will be placed higher in rank. Submission is that the applicant in MCQ Part-1 had secured 88 marks whereas the private respondent nos. 5, 6 and 7 have secured 94 marks, 91.5 marks and 89.5 marks respectively in MCQ Part-1. Thus, the private respondents had secured more marks than the applicant. Hence, they were placed on higher position in the list and have been appointed.</p> <p>Mr. R.A. Choudhury, learned advocate for the State respondents adopts the submission made by Mr. Basu.</p> <p>Heard Mr. Debnath, Mr. A.L. Basu and Mr. Choudhury. Since the applicant had secured 88 marks in MCQ Part-1, and it is lesser than the marks obtained by</p>	

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SCN	<p>the private respondent nos. 5, 6 and 7, we are of the view that the Commission was justified in placing the private respondents in the higher position in the merit list and in recommending their names for appointment. Therefore, no order is passed in this application. The application is disposed of.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	