

**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 583 OF 2019

SUJIT HALDER Vs The State of West Bengal & Ors.

| Serial No. and<br>Date of order.<br>1                        | Order of the Tribunal with signature<br>2   | Office action with date<br>and dated signature<br>of parties when necessary<br>3 |
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| <p style="text-align: center;">3</p> <hr/> <p>19.09.2019</p> | <p>For the Applicant : Mrs. C. Chowdhury,<br/>Advocate</p> <p>For the State Respondent : None</p> <p>For the Public Service : Mr. A.L. Basu,<br/>Commission West Bengal Mr. S. Bhattacharya,<br/>Advocates</p> <p style="text-align: center;">Let affidavit of service filed be kept on record.</p> <p>In this application Sujit Halder, the applicant, -<br/>who had applied for the post of West Bengal Forest<br/>Service &amp; West Bengal Subordinate Forests Service<br/>(Main) Examination, 2013, the results of which were<br/>published on 3<sup>rd</sup> March, 2016, - has prayed for certain<br/>reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“(a) An Order directing upon the<br/>Respondent authority to re-check,<br/>review and / or re-evaluate the<br/>answer scripts of the applicant<br/>and after re-evaluating the answer<br/>scripts, decision thereon be<br/>communicated upon the applicant<br/>within a stipulated time period.</p> |  |

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|                                    | <p>(b) An order do issue thereby directing the respondent authorities to produce the records of this instant case, so that conscionable justice may be delivered.”</p> <p>It appears from the application that on 17<sup>th</sup> February, 2017 the applicant had applied before the S.P.I.O, - the Assistant Secretary, West Bengal Public Service Commission, for re-examination and re-checking of his answer scripts which were provided on 3<sup>rd</sup> July, 2017. It is submitted by Mrs. C. Chowdhury, learned advocate for the applicant that as after going through the answer scripts it was found that there were anomalies in the evaluation, she prays that the answer script may be directed to be re-evaluated by the authorities of the Public Service Commission, West Bengal.</p> <p>Mr. A.L. Basu, learned advocate for the Public Service Commission, West Bengal submits that since the results were published on 3<sup>rd</sup> March, 2016 and pursuant to an application, the applicant was provided with the answer scripts on 5<sup>th</sup> July, 2017 and as the Original Application was filed on 31<sup>st</sup> July, 2019, which is beyond the period of limitation prescribed under section 21 (1) of the Administrative Tribunals Act, 1985, the matter may not be entertained. Submission is that on 10<sup>th</sup> August, 2018 on</p> |  |

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|                                    | <p>the self-same cause of action the applicant had filed a writ petition before the High Court being W.P. 12684(W) of 2018 : Sujit Halder Vs. State of West Bengal &amp; Ors. which was dismissed by passing an order. The relevant portion of the said order is as under:</p> <p style="text-align: center;">“Let the affidavit of service filed in Court today be kept with the record.</p> <p style="text-align: center;">The subject matter of the writ petition is recruitment to the West Bengal Forest Service.</p> <p style="text-align: center;">The reliefs prayed for by the petitioner may be obtained from the appropriate Tribunal. This Court has no jurisdiction to entertain the writ petition as a Court of first instance.</p> <p style="text-align: center;">The writ petition is dismissed as not entertained.</p> <p style="text-align: center;">Liberty is given to the petitioner to move the appropriate forum in accordance with law.</p> <p style="text-align: center;">There shall be no order as to costs.”</p> <p style="text-align: center;">Heard learned advocates for the parties. Since we find this application has been filed on 31<sup>st</sup> July, 2019 and as the cause of action, if any, arose on 3<sup>rd</sup> March, 2016 when results were declared, it is hit by Section 21 (1) of the Administrative Tribunals Act, 1985 prescribing</p> |  |

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| SCN                                   | <p>a period of limitation for moving an application. Assuming the cause of action arose on 5<sup>th</sup> July, 2017, when the applicant was provided with the answer scripts, even then it is hit by the said provisions of the statute. The order passed by the Hon'ble High Court on 21<sup>st</sup> August, 2018 does not come to the aid of the petitioner as therein it has been mentioned that "Liberty is given to the petitioner to move the appropriate forum in accordance with law". Therefore, for the reasons as aforesaid, no order is passed in this application. The application is disposed of.</p> <p>(P. Ramesh Kumar)<br/>MEMBER (A)</p> <p>(Soumitra Pal)<br/>CHAIRMAN</p> |  |