

**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 - 596 OF 2018

**SUDIPA MAZUMDER 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>2</p> <hr/> <p>27.09.2018</p>	<p>For the Applicant : Mr. S. Sanyal Mr. A. Das Advocate</p> <p>For the Respondent: None Nos. 1 and 4</p> <p>For the P.S.C., West Bengal : Mr. A.L. Basu Mr. S. Bhattacharya Advocate</p> <p>Let affidavit of service affirmed on 24<sup>th</sup> September, 2018 filed by Mr. S. Sanyal, learned advocate for the applicant be kept on record. Despite service of notice none appears on behalf of the State respondents. Though supplementary affidavit has been filed with regard to the amendment of the cause title, as prayed for on behalf of the applicant, leave granted to amend the cause title with regard to the respondent no.1.</p> <p>In this application, the applicant, who had applied for the post of Law Officer for West Bengal Legal Service Examination, 2014 pursuant to the advertisement no.8 of 2015, has prayed for certain reliefs, the relevant portions of which are as under:-</p> <p>“(a) Direction be issued on the</p>	

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	<p>respondents immediately to consider the candidature of the applicant for recommendation in the West Bengal Legal Service on the basis of the Result of West Bengal Legal Service Examination 2014.</p> <p>(b) Direction be given to the respondents to recommended the candidature of the applicant to the State of West Bengal after considering the case of the petitioner.</p> <p>(c) To give appointment to the applicant after her name being recommended by the respondent no.1.”</p> <p>Referring to the advertisement being Annexure “A” to the application, it is submitted by Mr. Sanyal that the applicant belongs to the unreserved category. Out of 40 vacancies, 21 vacancies were under the unreserved category. After the applicant had participated in the examination, the applicant filed an application before the State Public Information Officer, Law Department, Government of West Bengal, Kolkata on 6<sup>th</sup> June, 2018 requesting for information under the Right to Information Act, 2005. The applicant was informed that the applicant stood 29<sup>th</sup> in the unreserved category as evident from page 27 of the Original Application. According to the applicant, as 9 candidates did not turn up during verification of documents, and as a result, the applicant</p>	

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SCN.	<p>occupies the 20<sup>th</sup> position and as there were 21 vacancies, appropriate order may be passed directing the Public Service Commission, West Bengal to recommend his name and to appoint him as Law Officer.</p> <p>Mr. A.L. Basu, learned advocate for the Public Service Commission submits that out of 40 vacancies, 21 vacancies were earmarked for unreserved candidates. The applicant stood 29<sup>th</sup>. It is submitted that West Bengal Public Service Commission on 4<sup>th</sup> April, 2017 had recommended 21 names under the unreserved category. The name of the applicant cannot be recommended as under the Rules once the Public Service Commission recommends it cannot be amended or altered on the basis of prayer made by an applicant.</p> <p>Having heard the learned advocates for the parties, since we find the Public Service Commission has already recommended names of 21 candidates and there is no scope for further recommendation, particularly on the basis of representation made by the applicant, no order is passed on this application. The application is disposed of.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	