

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 701 OF 2019

SOEB KHAN 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>3</p> <hr/> <p>28.11.2019</p>	<p>For the Applicant : Mr. S. Roy Chowdhury, Advocate</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate</p> <p>For the P.S.C., West Bengal: Mr. A.L. Basu, Mr. S. Bhattacharya, Advocates</p> <p>Let affidavit of service filed today be kept on record.</p> <p>Heard Mr. S. Roy Chowdhury, learned advocate for the applicant, Mr. G.P. Banerjee, learned advocate for the State respondents, and Mr. A.L. Basu, learned advocate for the Public Service Commission, West Bengal.</p> <p>In this application, the applicant has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“a) A direction do issue upon the concerned respondent authorities to forthwith grant appointment to the applicants herein to the post of “FEOD” by treating him at par with the 140 selected candidates,</p>	

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	<p>not subsequent to the date when the appointment of the said 140 selected candidates are made effective from.</p> <p>b) A direction do issue upon the respondent authorities to dispose of the representation of the applicants dated 19.02.2019 within a stipulated time in accordance with law and communicate the same to the applicants.”</p> <p>It appears that the applicant had participated in the 2010 selection process for the post of Fire Engine Operator-cum-Driver – FEOD. It appears that he had also applied for the post of FEOD in the 2014 selection process. It also appears that there was selection process for the post of Fire Operator in the year, 2018. It appears from the application that being aggrieved by the 2010 selection process, the applicant had filed a representation before the Principal Secretary, West Bengal Fire and Emergency Services, Kolkata, the respondent no. 1, being Annexure “A4” to the application.</p> <p>Mr. S. Roy Chowdhury, learned advocate for the applicant submits that as the applicant had performed well in the 2010 selection process he should be treated at par with other 140 selected candidates who have been given appointment and be appointed.</p>	

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SCN	<p>We find that the 2018 selection process is for Fire Operator and not for FEOD.</p> <p>So far as the 2010 selection process is concerned Mr. Banerjee, learned advocate for the respondents on instruction submits that the applicant, a general category candidate, had secured 17.2 marks and was ranked 162, whereas the last selected candidate in the said category had secured total 19.1 marks and ranked 109. Let a copy of the status report filed on behalf of the respondents be kept on record and a copy of the same be served on the learned advocate on behalf of the applicant which is served and accepted.</p> <p>Since the applicant secured lesser marks than the last selected candidate in the general category, the application is without merit. That apart we find that the grounds do not disclose whether the challenge has been made for selection process of 2010 or 2014 or 2018. Moreover, as it appears that the applicant has challenged the selection process of 2010, we are of the view that the application is barred by limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. Therefore, the application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	