

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 - 955 OF 2015

TUTU KAPRI Vs The State of West Bengal & Ors.

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<p style="text-align: center;">14</p> <hr/> <p>26.09.2018</p>	<p>For the Applicant : Mr. G. P. Banerjee Advocate</p> <p>For the State Respondents: Mr. A.L. Basu Advocate</p> <p>In this application, the applicant, belonging to BC-B category, had applied before the respondent authorities to appear in the Sub-Inspector of Food Recruitment Examination, 2014 conducted by the West Bengal Staff Selection Commission. In the application form the applicant had stated that she belongs to BC-B category. She was given a roll number. She appeared in the written examination. In the written examination she was successful. Thereafter, as evident from the statements in the application, the respondent authorities intimated that the applicant has been selected for document verification and interview in the category of BC-B, sub-category EC. Since the applicant never applied under the Exempted Category, the applicant by representation dated 5th February, 2015 apprised the West Bengal Staff Selection Commission about the mistake committed by the Commission that she had applied under BC-B</p>	

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	<p>category and not under Exempted Category. However, ignoring the representation of the applicant, the Staff Selection Commission did not allow the applicant to appear in the interview on the ground that the applicant could not produce EC certificate.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the applicant, referring to the annexure “A-3” at page 13 of the original application, submits that it is evident from the application submitted that the applicant belongs to BC-B community. However, the West Bengal Staff Selection Commission categorised her under BC-B category, sub-category EC as evident from page 14 of the original application. Submission is that though a representation was made it was ignored. In view of the interim order passed on 26th February, 2016, whereby a direction was issued on the respondents that the appointment in the OBC-B category shall abide by the result of this application, as the action of the West Bengal Staff Selection Commission in categorising the applicant under EC category is illegal, appropriate order may be passed upon the respondent authorities, particularly on the West Bengal Public Service Commission to give appointment.</p> <p>Mr. A.L. Basu, learned advocate for the respondents submits that the entire selection process at</p>	

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	<p>that relevant point of time was conducted and concluded by the West Bengal Staff Selection Commission and West Bengal Public Service Commission had no role to play. On a query it is submitted that subsequently on 1st September, 2017 the West Bengal Public Service Commission had taken over the functions of the West Bengal Staff Selection Commission.</p> <p>Heard Mr. Banerjee and Mr. Basu. Admittedly the applicant had stated in the application that she belongs to BC-B community. However, the West Bengal Staff Selection Commission categorised her under the category BC-B, sub-category EC which was patently wrong. Thereafter the respondents did not allow the applicant to appear in the interview on the ground that she could not submit EC certificate. It goes without saying that a candidate belongs to BC-B community cannot produce an EC certificate. Hence, the action of the respondents in not allowing the applicant in the interview is arbitrary and illegal. Thus, this application is allowed.</p> <p>Since in our view, for the fault of the West Bengal Staff Selection Commission, the applicant should not suffer, in view of the interim order passed on 26th February, 2016, the Secretary, Department of Food and Supplies, Government of West Bengal, Kolkata shall appoint the applicant in the post of Sub-Inspector of Food,</p>	

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SCN.	<p>commensurate with his qualification, condoning the age bar, if any, within ten weeks from the date of presentation of a copy of this order after proper verification and medical examination.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	