

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 1025 OF 2017**

Siddhartha Shankar Mondal 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 style="text-align: center;">01 14.03.2018</p>	<p>For the Applicant : Mr. T.D. Maiti, Mr. P.K. Ghosh, Learned Advocates.</p> <p>For the Respondents : None.</p> <p>For the PSC, WB : Mr. A.L. Basu, Mr. S. Bhattacharjee, Learned Advocates.</p> <p style="text-align: center;">Affidavit of service filed on behalf of the applicant is kept on record.</p> <p style="text-align: center;">The applicant has challenged the recommendation of names of 55 candidates made by the Public Service Commission, West Bengal (in short PSC, WB) on July 8, 2016 for appointment to the post of Assistant Public Prosecutor on the basis of the results of Assistant Public Prosecutors' Recruitment Examination, 2014.</p> <p style="text-align: center;">By referring to the statement of marks obtained by each of the candidates who appeared in the Assistant Public Prosecutors' Recruitment Examination of 2014 and by referring to the names of the successful candidates recommended by PSC, WB, Learned Counsel for the applicant has pointed out that 6 Scheduled Caste candidates (in short SC) bearing Roll No. 0100734 -</p>	

ORDER SHEET

Siddhartha Shankar Mondal

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1025 OF 2017**

Dipayan Mandal, Roll No. 0100907 - Snehashis Mandal, Roll No. 0100574 - Sonali Chitrakar, Roll No. 0100121 - Arvind Kumar Prasad, Roll No. 0100052 - Chitrita Purkait and Roll No. 0100453 - Sayantan Biswas got aggregate of marks in written test and personality test as 148.5, 147.5, 140.0, 123.5, 108.5 and 105.0 respectively, whereas the applicant having Roll No. 0100260 got total marks of 151.5 (aggregate of written test and personality test), but the name of the applicant has not been recommended by the PSC, WB. Learned Counsel has drawn our attention to the advertisement published in the Website in connection with the examination and submitted that the PSC, WB has categorically advertised that final merit list will be prepared on the basis of total marks obtained in the written examination and in the personality test. The grievance of the applicant is that PSC, WB has given a go by to the norms declared in the advertisement by selecting the candidates on the basis of the marks awarded in the personality test and by ignoring the marks obtained by the candidates in the written test, which has been challenged as arbitrary and illegal.

Mr. Basu, Learned Counsel representing the respondent PSC, WB submits that the PSC, WB has already advertised in the Website and also in the

ORDER SHEET

Siddhartha Shankar Mondal

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 1025 OF 2017**

newspaper about the declaration of cut off marks both in the written test and in the personality test before commencement of examination of the candidates, but Mr. Basu has failed to place a copy of that advertisement before us on this date and as such we are not in a position to consider this aspect of submission of Mr. Basu.

We are informed that out of total 17 posts reserved for SC candidates, the PSC, WB has recommended the names of only 9 candidates for appointment to the post of Assistant Public Prosecutor. Mr. Basu has categorically submitted on instruction from PSC, WB that appointment letter has already been issued in favour of 55 candidates whose names were recommended by PSC, WB on July 8, 2016. Since there is scope of arbitrariness in selecting candidates on the basis of marks awarded only in the personality test and since appointment has not been issued exceeding 55 candidates whose names were recommended by the PSC, WB, we direct the respondent no. 1, Secretary to the Government of West Bengal, Department of Judicial by an interim order not to give appointment to any other candidates in the post of Assistant Public Prosecutor on the basis of results of Assistant Public Prosecutors' Recruitment Examination of 2014. We further direct the respondent

ORDER SHEET

Siddhartha Shankar Mondal

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 1025 OF 2017**

.....

no. 1 to keep one post vacant for SC candidate for appointment as Assistant Public Prosecutor till the disposal of the present application. This interim order will continue till the disposal of the original application.

The respondents are directed to file reply within a period of 4 (four) weeks and rejoinder, if any to be filed by the applicant within a period of 1 (one) week thereafter.

List the matter under the heading reply/rejoinder on 27.06.2018.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib