

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1119/2016 and OA 1121/2016

Swapan Khan and Chinmay Chattopadhyay 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
10 18.12.2018	<p>For the Applicant : Dr. B.N. Ray, (both the cases) Learned Advocate</p> <p>For the Respondents : Mr. G.P. Banerjee, (both the cases) Mr. S. Roy Chowdhury, Learned Advocates.</p> <p>The applicants of both original applications have prayed for direction upon the respondent no. 2 to grant them promotion to the post of Sub-Officer under West Bengal Fire & Emergency Services, Government of West Bengal and other ancillary reliefs.</p> <p>The contention of both the applicants is that they appeared in the Written Test, Endurance Test, Practical Test and Interview for promotion to the post of Sub-Officer under West Bengal Fire & Emergency Services in terms of notice dated July 29, 2016 issued by the Director General, West Bengal, Fire & Emergency Services. It appears from the said notice dated July 29, 2016 that the confirmed Leader, Fire Engine Operator-cum-Driver under West Bengal Fire & Emergency Services may appear in the Departmental Examination consisting of Written Test for 100 marks, Endurance Test for 10 marks, Practical Test for 20 marks and Interview for 20 marks for promotion to the post of Sub-Officer of West Bengal Fire & Emergency Services. It further appears from the said notice dated July 29, 2016 that the candidates who will be successful in the Written Test by securing at least 40 marks will be intimated for appearing at Endurance Test, Practical Test and Interview. The grievance of both the applicants is that they were not only successful in the Written Test, but also appeared in</p>	

ORDER SHEET

Swapan Khan and Chinmay Chattopadhyay

Form No.

Vs.

The State of West Bengal & Ors.

Case No. OA 1119/2016 and OA 1121/2016

the Endurance Test, Practical Test and Interview, but did not get promotion to the post of Sub-Officer under West Bengal Fire & Emergency Services.

With the above factual matrix, Learned Counsel for both the applicants submits that the applicants did well in the Written Test but lesser marks were given to them in the Interview and thereby they did not get promotion to the post of Sub-Officer, while other employees got more marks in interview in spite of getting lesser marks in the Written Test and thereby got selected for the post of Sub-Officer. The gist of submission made on behalf of the applicants is that the marks were awarded in the interview in an arbitrary manner and thereby the applicants lost the opportunity to get promotion.

Mr. G.P. Banerjee, Learned Counsel representing the state respondents, has placed on record the order of promotion of 78 Officers, which was issued on September 22, 2016 by the Director General, West Bengal Fire & Emergency Services. He has also placed on record the copy of result of selection test for promotion to the post of Sub-Officer from confirmed employees working as Leader and FEOD and the same is kept on record. It appears from the result sheet of selection test held in the month of September 2016 that total 91 candidates appeared in the Written Test and all of them qualified in the Written Test by securing 40 marks or more. The result sheet indicates that the candidate who got first position in the selection test got 93 marks out of 100 marks in the Written Test and at least 57 candidates got more than 50 marks out of 100

ORDER SHEET

Swapan Khan and Chinmay Chattopadhyay

Form No.

Vs.

The State of West Bengal & Ors.

Case No. OA 1119/2016 and OA 1121/2016

marks in the Written Test. It further appears from the said result sheet that the applicant Chinmay Chattopadhyay got 45 marks out of 100 marks in the Written Test, 7 marks out of 10 marks in the Endurance Test, 12 marks out of 20 marks in the Practical Test and 7.25 marks out of 20 marks in the Interview and the applicant Swapan Khan got 40 marks out of 100 marks in the Written Test, 5 marks out of 10 marks in the Endurance Test, 12 marks out of 20 marks in the Practical Test, 7 marks out of 20 marks in the Interview. The total marks secured by the applicant Chinmay Chattopadhyay was 64 and the total marks secured by the applicant Swapan Khan was 57, while the last selected candidate for promotion got 68 marks. On consideration of the objective criteria laid down in the notice dated July 29, 2016 for awarding 20 marks in the interview, we do not find any merit in the submission made on behalf of the applicants that there is arbitrariness in awarding marks in the interview for selection to the post of Sub-Officer by way of promotion. Nor do we find any justification to call for records in the instant case when both the applicants got poor marks in the Written Test compared to the candidates who got selected for promotion to the post of Sub-Officer.

The above observation leads us to hold that the applicants are not entitled to get any relief in the present application.

As a result, both OA 1119 of 2016 and OA 1121 of 2016 are **dismissed**.

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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Swapn Khan and Chinmay Chattopadhyay

Form No.

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The State of West Bengal & Ors.

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