

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 – O.A. 559 of 2017

SUSANTA SARKAR 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>10</p> <hr/> <p>21.08.2019</p> <p>SCN.</p>	<p>For the Applicant : Mr. P.S. Deb Barman, Mrs. S. Agarwal, Advocates</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p>For the P.S.C., West Bengal : Mr. A.L. Basu, Mr. S. Bhattacharya, Advocates</p> <p>The matter has appeared under the heading “Reply, Rejoinder and Objection”. It is submitted by Mr. P.S. Deb Barman, learned advocate for the applicant, that the Tribunal, by judgement and order dated 19th August, 2016 in O.A. 1058 of 2015, O.A.1059 of 2015 and O.A.1020 of 2015, had quashed the modified panel and had directed the West Bengal Staff Selection Commission to prepare a fresh panel following the provision of law by showing the SC candidates who had been selected by virtue of their merit and not by virtue of reservation against unreserved category without adjusting such number against the quota meant for SC category within a period of six weeks from the date of communication of the copy of the judgement. However, as it is evident from pages 72 and 73 of the Original Application that no fresh</p>	

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	<p>panel has been prepared and a list of nominated candidates has been published which is not in accordance with the directions contained in the said judgement, the list appearing at pages 72 and 73 be quashed. Moreover, it is evident from paragraph 6 (u) of the Original Application that 15 Scheduled Caste candidates (non-exempted) category have been converted to exempted category which is not permissible in law.</p> <p>Mr. A.L. Basu, learned advocate for the Public Service Commission, West Bengal submits that as the examination was conducted and result was declared by the West Bengal Staff Selection Commission, which was wound up in September 2017, he is not in a position to make submission with regard to the said list.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent submits that he has to take instruction whether all posts have been filled up pursuant to the recommendation of the West Bengal Staff Selection Commission or not.</p> <p>Let the matter appear under the heading “For Orders” on 25th September, 2019 to enable Mr. Banerjee to obtain instruction failing which appropriate order will be passed.</p> <p>Let a plain copy of the order be furnished to Mr. Banerjee, the learned advocate for the State.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	

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