

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. MA – 68 of 2025 (OA – 1088 of 2017)

Koushik Chatterjee & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of order

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22.07.2025

For the Applicants : Mr. Kallol Basu,
Mr. S. Banerjee,
Learned Advocates.

For the Respondents : Mr. G.P. Banerjee,
Learned Advocate

For the Public Service Commission, W.B. : Mr. S. Bhattacharjee,
Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Basu, learned counsel for the applicants has submitted the following issues :-

- 1) The selection process as that was commenced in the year 2016 cannot be said to be infructuous as the Hon'ble High Court by its order dated 17.08.2021 directed, inter alia, to produce record before the Commission and also sought explanation from the Public Service Commission as to why the remaining vacancy could not be filled up. The Hon'ble High Court further said that if any vacancy filled up during the pendency of the proceeding before the Tribunal shall abide by the result of the Original Application being No. 1088 of 2017.
- 2) The Public Service Commission has not disclosed regarding the fate of 305 vacancies as that had been arisen out of the selection process commenced in the year 2016. 2022 selection is a subsequent event and the same cannot be taken by the Hon'ble Tribunal. As such, the cause of action, which means it is a bundle of facts, and accordingly, an application seeking injunction in any form with regard to the selection process of 2022 cannot termed as a completely new one. On the contrary, any result of such selection has serious effect on the right of the applicants should have filed O.A. – 1088 of 2017.

As such this injunction is maintainable.

Mr. Bhattacharjee, learned counsel appearing on behalf of the Commission submits that the following points :-

1. MA – 68 of 2025 relates to West Bengal Junior Engineer (Civil) Recruitment

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Examination of 2022 whereas the Original Application was filed by the applicants challenging the recruitment process of Junior Engineer (Civil) of 2016. Therefore, applicants cannot club the two different advertisements issued by the Commission in a single petition by stating that since O.A. – 1088 of 2017 is pending before this Hon'ble Tribunal, the Commission cannot proceed with a new selection process. Further, the 305 unfilled vacancies belong to OBC (A), SC, ST, PH (VH), PH (HI) and PH (OH), whereas applicants are UR and OBC (B) category candidates. Therefore, there is no unfilled vacancy against the applicants' category. As such, applicants cannot claim appointment to those unfilled vacancies.

2. As it is apparent from the instant MA that only five candidates were successful out of 53 applicants for the year 2022 Recruitment Examination, therefore, if all the applicants participated in 2022 examination and if they have any grievance with regard to the said examination then they should file a separate Original Application ventilating the same as it a fresh cause of action.

As such, the instant MA is not maintainable.

Mr. G.P. Banerjee, learned counsel for the State respondent submits the following points :-

- 1) There is no stay order of further proceeding or further recruitment passed by the Hon'ble High Court, Calcutta.
- 2) They have already filed an MA – 109 of 2024, where same prayer made by the applicants but till date no order passed by this Tribunal either stay or any manner.

Accordingly, this MA – 68 of 2025 is not melt at all.

Having heard the submissions of the learned counsels and having examined the documents thoroughly, the Tribunal has come to this convincing conclusion that the prayer in this application for a direction to the respondent authorities to keep vacant 53 posts of Junior Engineer (Civil) is a fresh cause of action. As such, the petitioners cannot agitate a new demand by filing this Miscellaneous Application as a supplementary to the Original Application being O.A. - 1088 of 2017. The Original Application being O.A. – 1088 of 2017 was primarily concerned to the selection process for the post of Junior Engineer (Civil) for recruitment process conducted in the year 2016 vide advertisement No. 5/2016. Therefore, the prayers of the applicants who have filed this Miscellaneous Application praying for a direction to keep 53 posts of Junior Engineer (Civil) vacant relating to a fresh

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recruitment process of 2022 is not a valid prayer, and therefore, not admissible.

This application is dismissed.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P.