

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 109 of 2024 [OA 1088 of 2017]

Koushik Chatterjee & Ors. -- VERSUS – The State of West Bengal & Ors.

ss

Serial No. and
Date of order

For the Applicants

: Mr. K. Basu,
Mrs. S. Mitra,
Mr. S. Banerjee,
Ld. Advocates.

01
16.12.2024

For the State Respondents

: Mr. G.P. Banerjee,
Ld. Advocate.

For the PSC, WB

: Mr. Sourav Bhattacharjee,
Ld. Advocate.

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

This application was filed before this Tribunal on 03.12.2024 by the applicants enclosing a copy of the order of the Hon'ble High Court dated 17.08.2021. The relevant part of the order is as under :

“The West Bengal Public Service Commission is directed to produce all records relating to the said selection process and to offer an explanation for not recommending the names of the writ petitioners, if required, by way of an affidavit before the tribunal.”

By this order also the Tribunal's order dated September 26, 2019 was set aside with a further direction to dispose of the original application being OA 1088 of 2017 after hearing it afresh as expeditiously as possible, preferably within a period of six months. The Hon'ble Court also made their remarks that, *“any vacancy filled up during the pendency of the proceeding before the tribunal shall abide by the result of the original application.”*

Mr. Bhattacharjee, learned counsel appearing for the Commission has been advised to file such a report before this Tribunal on the next date and serve a copy to the other side. Mr. Bhattacharjee, learned counsel has observed that only seven (07) of the applicants have annexed their Admit Cards for the post in question. Therefore, such reply has to be restricted within the seven (07) of the applicants who have filed their Admit Cards.

Appearing on behalf of the applicants, Mr. Basu, learned counsel has submitted that by advertisement no. 9/2022, the Commission is likely to fill

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up 993 (nine hundred ninety three) vacancies. Therefore, his prayer is for keeping reserved vacancies for the eligible applicants.

Mr. Bhattacharjee responding to the interim prayer of the applicants submits that these applicants were participants in the selection process of 2016 published by advertisement no. 5/2016 and the selection process in which the applicants want the order of stay, they were not participants in the same. Apart from this, it is the assumption of the applicants that the vacant post of 2016 selection process were carried forward to the next selection process of 2022. It is to be ascertained from the applicants' side as to how many of these applicants, who have been recommended against non-joining, have accepted the post. The present application pertains only to those applicants, who were either not recommended or failed to join even after such recommendation by the Commission. Therefore, the applicants' side may be advised to present a clear picture of how many of the applicants in this application are still agitating for the post.

Mr. Basu after hearing the point of Mr. Bhattacharjee has assured that such a list will be presented before the Tribunal along with their Admit Cards. Mr. Basu has been briefed by the applicants that out of 106 (one hundred six) original applicants, 55 (fifty five) were recommended and they subsequently joined the post, thus leaving a list of 51 (fifty one) applicants, who are contesting before this Tribunal. Let the names of these 51 (fifty one) applicants be presented before this Tribunal. Let such list of 51 (fifty one) applicants be served upon the Secretary, Public Service Commission. Once such a list of 51 (fifty one) applicants are received, the Commission is advised to file a Report before the Tribunal within a period of thirty (30) days after receipt of such list.

The matter is admitted.

Let the matter appear under the heading "**Hearing**" on **04.02.2025**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)