

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,**

**Case No. - MA 13 OF 2025 (OA 261 OF 2023)**

**SANDIP KUMAR ROY - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and

Date of order

01

28.02.2025

For the Applicant	:	Mr.Pradip Kumar Roy Mr.Shaon Bhattacharya Advocates
For the State Respondents	:	Mr. Goutam Pathak Banerjee Advocate
For the Public Service Commission, West Bengal	:	Mr.Sourav Bhattacharjee 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for modification of this Tribunal's order dated 29.01.2025 in OA-261 of 2023 by replacing the name of the respondent No.1, Secretary, Department of P&AR with the name of Principal Secretary, Home and Hill Affairs Department. Application also prays for liberty to add the name of the Principal Secretary, Home and Hill Affairs Department as Respondent No. 5 in the array of the respondents in OA-261 of 2023.

Mr.G.P.Banerjee, learned counsel had earlier mentioned that the correct respondent to comply with the Tribunal's order dated 29.01.2025 is Principal Secretary, Home and Hill Affairs Department. Mr.Banerjee has no objection, if prayer of the applicant in this MA- 13 of 2025 is allowed.

Prayer is allowed. Let the Principal Secretary, Home and Hill Affairs Department be added as respondent No. 5 in the OA-261 of 2023 during the course of the day.

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**THE STATE OF WEST BENGAL & OTHERS.**

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In view of the above facts, let the concluding paragraph of the order dated 29.01.2025 in OA-261 of 2023 be modified and read as follows:

“In the abovementioned background, I am of the opinion that the applicant has made out a prima-facie case for which Judicial intervention is emergent, keeping in mind the facts, materials available in the records and the Judgements, I am constrained to direct the WBPSA to apply the “Proportionate Quotient” and recommend the case of the applicant in Group-B Services for the WBCS (Exe.) Etc. Examination 2011, within a period of four weeks from the date of communication of the order. Mr. G. P. Banerjee, Learned Advocate appearing for the State Respondents had mentioned that all the vacancies for the said WBCS (Exe.) Etc. Examination, 2011 in Group-B Services have been filled up. In such circumstances, the added Respondent No. 5, the Principal Secretary, Home and Hill Affairs Department is directed to create a supernumerary post to accommodate the applicant with retrospective effect giving his seniority vis-a vis the person who has been selected in the 2011 WBCS (Exe.) Group-B Examination within three months from the date of his name being recommended by the WBPSA for Group-B services and if the applicant is otherwise eligible for the post in accordance with law.”

Let a copy of this order along with a copy of the order dated 29.01.2025 be served by the applicant to the added respondent No. 5, the Principal Secretary, Home and Hill Affairs Department.

The application is disposed of.

BLR

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