

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 24 of 2025 [OA 261 of 2023]

Sandip Kumar Roy -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant	: Mr. Pradip Kumar Roy, Ld. Sr. Advocate. Mr. Shaon Bhattacharya, Ld. Advocate.
For the State Respondents	: Mr. Goutam Pathak Banerjee, Ld. Advocate.
For the PSC, WB	: Mr. Sourav Bhattacharjee, Ld. Advocate.

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28.03.2025

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.

The applicant has filed this Miscellaneous Application praying for clarification in the order passed by this Tribunal on 29.01.2025. Submission of Mr. Pradip Kumar Roy, learned senior advocate is that, although in the order a direction was given to the West Bengal Public Service Commission to apply the “Proportionate Quotient” and recommend the case of the applicant in Group-B services in WBCS (Exe.) Etc. Examination, 2011, but the words “Proportionate Quotient” needs to be elaborated, so that the Commission can have a better understanding and comply with such direction.

Mr. G.P. Banerjee, learned advocate for the State does not object.

Mr. Sourav Bhattacharjee, learned counsel appearing for the West Bengal Public Service Commission has submitted that presently the post of Secretary of the Commission is lying vacant and therefore, this matter may be heard on another date when a full fledged Secretary joins. However, the Tribunal has come to know that although the Secretary's post is vacant, but one of the Joint Secretaries of the Commission has been delegated the responsibility of Secretary.

After hearing the submissions of the learned counsels, the Tribunal is satisfied that a clarification in order dated 29.01.2025 is necessary. Therefore, let the last paragraph of the order be modified and read as follows :

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“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 judgments, I am constrained to direct the WBPSC to apply the “Proportionate Quotient”, which in this case means, twice the average of the total marks given by the two present interviewers to compensate the vacuum of marks created due to the absence of the other two other interviewers and recommend the case of the applicant in Group-B Services for the WBCS (Exe.) Etc. Examination 2011, within a period of eight (8) 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 Respondent No. 5, the Principal Secretary, Home & 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 WBPSC for Group-B services and if the applicant is otherwise eligible for the post in accordance with law”.

In view of the above modifications in the original order dated 29.01.2025, the West Bengal Public Service Commission is allowed to comply with this order within eight (8) weeks from the date of communication of this order.

Let this order be treated as part of the order dated 29.01.2025.

This application is **disposed of**.

SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)