

**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 36 of 2025 (OA 1088 OF 2017)**

**KOUSHIK CHATTERJEE & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr. Kallol Basu, Mr. Suman Banerjee, Mrs. Sonali Mitra, Learned Advocates
<u>6</u> 04.09.2025	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate
	For the Public Service Commission, West Bengal	:	Mr. Saurav 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 (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.

This is an application praying for setting aside the General Standard Merit List of the Junior Engineers (Civil / Mechanical / Electrical) Recruitment Examination, 2016 and treat the candidates, whose serial numbers mentioned herein at page 34 and 35 of the application, as Reserved Category Candidates and to be recommended and appointed against reserved vacancies and appoint the applicants against such arising vacancies with effect from the date of joining of the selected candidates and grant the applicants all consequential benefits.

The applicant's contention is that in the report of the Commission the reason for not recommending the names of the contesting candidates is non-availability of vacancy in their respective categories. The applicants duly filed their exception to the said report. On 05.02.2025, the Commission produced the relevant records and the learned counsel for the applicant examined the same. The Commission on 19.09.2014 decided the cut off marks for personality test conducted by the Commission are 40% for unreserved category, 38% for the other backward classes category, 35% for the Scheduled Castes category and 30% for the Scheduled Tribe category. In the list of reserved category candidates whose marks in personality test are as per relaxed standard, get placed in General Standard Merit List which runs to 6 pages from which some candidates in the General Standard Merit List were appointed against Unreserved Category despite the fact that they did not achieve

**ORDER SHEET**

Form No.

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40 marks in the interview or personality test. Candidates secured less than 40 marks in the personality test had been recommended against unreserved vacancies on the basis of their combined marks in the written and interview.

In reply learned counsel for the Commission submits if a candidate qualifies in both the stages of the examination viz. Written Examination & Personality Test, then on the basis of his/her total marks, the candidate will be considered qualified to be included in the merit lists. This criterion was mentioned in the scheme and syllabus of the examination. Full mark of Written Test is 200 and full mark for personality test is 100. The cut off marks were General 65.56, OBC – A 44.94, OBC-B 65.56, SC 51.50, ST 30 and PWD 41.56. In case a general category candidate secured less than 40% marks, he was not called for personality test. Similarly other category candidates were shortlisted.

After examination of the records, the Tribunal finds the candidates, who got position in General standard Merit List in spite of getting less than 40 marks in personality test, were reserved category candidates. The candidates, who got position in the General standard Merit List in spite of getting less than 80 marks in Written Test, were also reserved category candidates.

In view of the order dated 04.09.2025, passed in Original Application No.1088 of 2019, this application has now become infructuous.

Thus, this miscellaneous application is disposed of without passing any order.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)