

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. – MA 56 of 2021 (OA 170 of 2021)**

**NEWTON BISWAS & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

03  
13.08.2021

For the Applicants : Mr. Kamallesh Bhattacharjee,  
(in MA 56 of 2021) Mr. G. Haldar,  
Advocates

For the Applicants in : Mr. S. Sanyal  
Original Application Mr. D. Chatterjee  
Advocates

For the State respondents : Mrs. S. Agarwal  
Advocate

For the Public Service Commission : Mr. G.P. Banerjee,  
West Bengal Advocates

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

At the very outset, relying on the judgements passed in Manoj Manu and Another versus Union of India and Others : (2013) 12 SCC 171, Dinesh Kumar Kashyap and Others versus South East Central Railway and Others : (2019) 12 SCC 798, and Kerala State Road Transport Corporation and Another versus Akhilesh V.S. and Others : (2019) 14 SCC 96, Mr. S. Sanyal, learned advocate for the applicants in the Original Application submits that in view of the judgements pronounced by the Supreme Court, the selected candidates have no right of audience and the application for addition of parties may be dismissed.

Mr. K. Bhattacharjee, learned advocate appearing on behalf of the applicants in MA 56 of 2021, relying on the judgement of the Supreme Court in Tridib Kumar Dingal versus State of West Bengal and Others (2009) 1 SCC 768 submits that the Original Application is not maintainable without adding the

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applicants in the Miscellaneous Application as party respondents.

SCN.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents on a query submits since the matter was not formally admitted, though directions were given to file reply and rejoinder, no reply could be filed on behalf of the Public Service Commission, West Bengal. Submission is that the Commission is ready to file reply to the Original Application as well as to the Supplementary Affidavit filed by the original Applicants by 17<sup>th</sup> August, 2021.

Mrs. S. Agarwal, learned advocate for the State respondents submits that her clients would file reply by 17<sup>th</sup> August, 2021.

In view of the submissions made by the parties, the matter is admitted. Let replies to the Original Application, Miscellaneous Application and Supplementary Affidavit be filed by 17<sup>th</sup> August, 2021; rejoinder, if any, by 19<sup>th</sup> August, 2021. Let MA 56 of 2021, arising out of OA 170 of 2021 and OA 170 of 2021, appear under the heading "Hearing" on 23<sup>rd</sup> August, 2021 to be conducted in open Court, that is, physically.

(SOUMITRA PAL)  
CHAIRMAN