

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**The Hon'ble Sayeed Ahmed Baba, Administrative Member**

**Case No. – MA- 74 OF 2022 & OA 133 OF 2022**

**TOHIRUL ISLAM - VERSUS - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and Date of order	For the Applicant	:	Mr. Subir Kumar Ray Mrs. Subarna Das Advocates
<u>04</u> 26.08.2022	For the State Respondent	:	Mr. Manujendra Narayan Roy Advocate
	For the Public Service Commission, West Bengal	:	Mr.Sourav Bhattacharjee Advocate

The application being MA-74 of 2022, is taken up for hearing along with OA-133 of 2022 also appearing today in the cause list as “Admission hearing”.

It appears that the applicant belonging to physically disabled category had appeared for the post of Lower Division Clerk / Assistant in the Clerkship Examination, 2019. Subsequently, result was published. According to the applicant he found that he had secured 47 marks out of 100 which is unjustified and unacceptable and had made a prayer for revaluation of the answer scripts of the said examination on 8<sup>th</sup> October, 2021. Thereafter letter dated 28<sup>th</sup> October, 2021 on behalf of the applicant demanding justice was made for revaluation of the answer scripts before the Chairman, Public Service Commission, the respondent no. 3, which according to him, is yet to be replied. Subsequently, on 24<sup>th</sup> November, 2021, the applicant made an application under section 6 (1) of the Right To Information Act, 2005 before the S.P.I.O. the Deputy Secretary, Public Service Commission, West Bengal seeking certain information which according to him yet to be replied.

Mr.S.K.Roy, learned advocate appearing on behalf of the applicant submits since the letter dated 8<sup>th</sup> October, 2021 praying for revaluation remains unanswered and there is no reply to the letter dated 24<sup>th</sup> November, 2021 under

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the 2005 Act, appropriate order may be passed.

Mr. S.Bhattacharjee, learned advocate for the Public Service Commission, West Bengal submits that no documents have been annexed to the petition by the applicant regarding awarding of 47 marks out of 100 marks and therefore, no order may be passed. Moreover since the applicant has alleged that he has received no reply to the letter dated 24<sup>th</sup> November, 2021 under the 2005 Act, as in section 19 of the said Act there is a provision for appeal, the applicant should avail himself of the alternative remedy. Moreover as the marks of all the candidates in the said examination have been uploaded in the website of the Commission, no order may be passed.

Heard Mr.M.N.Roy, learned advocate for the State respondents.

Since by letter dated 8<sup>th</sup> October, 2021, being Annexure- 'F' to the application, the applicant has prayed for revaluation of the answer scripts of the Clerkship Examination before the Chairman of the Commission, the application is disposed of by directing the Assistant Secretary to the Public Service Commission, West Bengal, the respondent no. 4, to give a reply to the said letter within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

The applications being OA-133 of 2022 and MA-74 of 2022 are disposed of.

BLR

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN