

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. –OA 286 OF 2024

SANJIB DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of
order

For the Applicant : Mr. Sanjib Das (appears in person)

For the State Respondents : Mr. M.N. Roy,
Mr. G. Halder,
Advocates

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24.06.2024

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.

Let affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities for re-evaluation of the answer scripts of English Paper II in the examination held for the post of Sub-Inspector (Unarmed Branch) in the Kolkata Police and West Bengal Police – 2009.

At the very outset, Mr. Roy, learned counsel for the State respondents submits that this matter is not admissible for the reason and on the ground of res judicata and limitation. As for res judicata, the same prayers as prayed for in this application was also filed through an application, being O.A. 1429 of 2012. The Tribunal after hearing the matter had disposed of the same without passing any orders. Against such order of this Tribunal, the petitioner had moved the Hon'ble High Court by filing W.P.S.T. 52 of 2014. The Hon'ble Court after hearing the matter, dismissed the same affirming the Tribunal's order. Subsequently, the petitioner filed a review petition before the Hon'ble High Court, being RVW 243 of 2015 with CAN 10244 of 2015. The same was also dismissed. As for limitation Mr. Roy submits that the prayer for re-evaluation of the English Paper II for examination held more than 15 years ago is barred by limitation. Mr. Roy presents copies of the Tribunal's order in the earlier O.A. 1429 of 2012, order of the Hon'ble High Court in W.P.S.T. 52 of 2014 and in RVW 243 of 2015 with CAN 10244 of 2015. Incidentally, these relevant papers have not been filed by the

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applicant in this application. Had Mr. Roy not enlightened the Tribunal of these facts, the Tribunal would have remained ignorant and this could have been a serious suppression of fact on part of the applicant.

Having heard the learned counsel for the respondents and the petitioner in person and after considering the facts of this case, which are not disputed by the applicant, this application is dismissed at this admission stage itself with a caution to the applicant against filing such fallacious application in future.

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

SCN.

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