

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble SAYEED AHMED BABA, Officiating Chairperson & Member (A)**

**Case No. – OA-404 of 2022**

Serial No. and Date of order	Biswajit Pratihari & Ors. For the Applicant	:	<b>VERSUS</b> – The State of West Bengal & Ors.. Mr M.N. Roy, Mr. Subhodeep Chatterjee, Learned Advocates.
<u>07</u> 22.03.2023	For the State Respondents	:	Mr. G.P. Banerjee, 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.

On consent of the learned counsels for the contesting parties the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to disclose the procedure adopted by the West Bengal Police Recruitment Board while preparing the panel of candidates. The matter relates to an examination to recruit to the post of Agragami (WBNVF) IN Civil Defence Organisation. The examination was conducted during 2021-2022. After the completion of the recruitment process, the Recruitment Board displayed a list of 612 provisionally selected candidates as well as a list of 485 provisionally unsuccessful candidates. The 30 (thirty) applicants of this application belong to the unsuccessful candidates. The primary grievance as expressed in the application and submitted by the legal counsel, Mr. M.N. Roy is that, there was favouritism by the respondents towards the successful candidates. Moreover, answers to three questions are reported to be wrong as felt by the

applicants. Submission of the Learned counsel is that in view of the above grounds, the Recruitment Board be directed to disclose why the successful candidates were recommended.

Mr. Banerjee, appearing on behalf of the state, at the very outset questions the validity of the relief sought for in the application in which they have sought for a direction to the Recruitment Board to ***“disclose the procedure adopted”***. Mr. Banerjee submits that the Tribunal has no such jurisdiction to direct the Recruitment Board in this regard.

Further, the application is not admissible on the ground that these applicants, as candidates and complying with the rules and regulations of the recruitment process duly participated in all the stages without any demur or objection. Having become unsuccessful, questioning the very method of the recruitment now is questionable and inadmissible.

With regard to the allegation of wrong answers against the three questions, submission of Mr. Banerjee is that the advertisement notice had clearly expressed to the candidates ***“all candidates are advised to compare the answer key with the question paper carefully and bring apparent incongruities, if any, to the notice of the West Bengal Police Recruitment Board by sending E-mail within 07 (seven) days from 07.01.2022.”***

It is submitted that none of the applicants, although questioning correctness of the answers, intimated the Recruitment Board about the anomalies, if they so felt. Therefore, without exhausting the remedy available to them before the

Recruitment Board, the applicants filed this application before this Tribunal.

Concluding his arguments, Mr. Banerjee submits that though the applicants have used the expression of “*favouritism*” towards the successful candidates, however, no specific incidence or evidence have been given or referred in this application. Therefore, the allegation of favouritism against the Recruitment Board is not only baseless but without any proof.

Mr. Banerjee relies on a judgement passed by this Tribunal earlier in State of West Bengal Vs. Akash Bhunia’s case (OA-430 of 2020) .

To conclude, Mr. Banerjee submits that although there is no interim order restraining the respondents, however, by filing this application by 30 (thirty) candidates, there is some uncertainty felt by the successful candidates whose number were more than 600 (six hundred).

Finally, Mr. Banerjee prays for dismissal of this application based on above arguments.

Let the matter appear under the heading “Orders” on **20.04.2023.**

sc

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)