

ORDER SHEET

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 – 413 of 2022

Kamal Sarkar & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. Shamim-ul-Bari, Advocate
<u>12</u> 23.09.2024	For the Respondents	: Mr. S. Ghosh, Advocate
	For the P.S.C., W.B.	: Mr. S. Bhattacharjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Rejoinder filed by the applicant side be kept in record. Copy has been served.

The applicants have filed this application praying for a direction to the West Bengal Public Service Commission to conduct a Special Computer Typing Test.

The applicants had participated in the recruitment process for the post of Lower Division Assistant held in the Clerkship Examination, 2019. Having qualified in both Part I & Part II examinations, these applicants were invited to appear in the Computer Test. The grievance is that quality of computers was such that some of the keys in the key boards were not responding or responding abnormally. Due to such difficulty in typing, the applicants were not considered for being recommended to the post of L.D.A.

During the hearing of this matter in detail, the Tribunal was made to understand that if a computer malfunctions, the invigilator arranges another computer for the applicant to continue his typing. The Tribunal was also briefed that on the computer screen itself there is a timer which records the time during the typing test. However, the question of the Tribunal was not answered satisfactorily as to who can pause the timer in the computer screen and whether the time wasted in the replacement of the computers is taken into account or not. In page 3 of the reply given by the Commission, it is evident that the Commission has accepted the fact that sometimes some computers break down but these are replaced instantly. It was also informed by the Commission's learned counsel that such computers were arranged by a private agency to test the ability of computer typing by around 9,000 candidates throughout the

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State.

Since the Tribunal finds that the Commission has acknowledged inconvenience caused to the applicants due to poor performance of the computers, it is therefore, for ends of natural justice, necessary the Commission gives the applicants an opportunity of hearing and if satisfied with the truth of their claims, suitable decision may be taken. The applicants had also furnished their representations before the Chairman of the Commission on 28.03.2022, the very next date of the computer test.

The above direction is to be complied by the Respondent No. 2, the Secretary, Public Service Commission within three months from communication of this order.

This application is thus disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P/S.M.