

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 652 OF 2022

INDRAJIT MUKHERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	None
and			
Date of	For the State Respondents	:	None
order			
	For the Public Service Commission, West Bengal	:	Mr. Saurav Bhattacharjee, Learned Advocate

7
07.08.2025

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.

The prayer in this application is for a direction to the respondents to withdraw and/or revoke the letter No.A-170-PSC (A) dated 30.08.2022 and to act in terms of the advertisement No.20 of 2018 for recruitment to the post of Audit and Accounts Officer, held by the Public Service Commission through the West Bengal Audit and Accounts Services Recruitment Examination, 2018 and fill up the vacancies in the Physically Handicapped category accordingly.

The applicant, being an Unreserved Physically Handicapped (Locomotor Disability/Cerebral Palsy) candidate, had participated in the said recruitment process by appearing in the West Bengal Audit and Accounts Services Recruitment Examination, 2018. The number of vacancies in Physically Handicapped category, as mentioned in the advertisement, was "PH-02". The Commission, by its memo No.A-99-P.S.C.(A), dated 29.10.2021, published the list of recommended candidates, but the two such posts were left vacant. It only mentioned names of 38 successful candidates, the total number of vacancies being 40.

Mr. I. Bhattacharjee, learned counsel for the applicant had submitted that since names of none of the PH (LDGP) candidates were found in the said list, the applicant raised this with the Commission on 08.08.2022 and later received a reply that the applicant's score was only 341 marks, whereas the qualifying marks under the relevant category of U.R. (P.H.) was 380.

In terms of a direction of the Tribunal, a copy of the Resolution of the Commission dated 15.02.2017 was presented before the Tribunal wherein it has been mentioned :

ORDER SHEET

Form No.

INDRAJIT MUKHERJEE

Vs.

Case No. - OA 652 OF 2022

THE STATE OF WEST BENGAL & ORS.

“Commission may further lower the qualifying level category wise as and when necessary in the event of non-availability of candidates for filling up vacancies in a particular category.”

Having heard the submissions of the learned counsels and on perusal of the records, the Tribunal comes to the conclusion that the two posts for Physically Handicapped candidates have been kept vacant as no candidate belonging to PH category had obtained the fixed cut off marks. However, in terms of its Resolution dated 15.02.2017, the Commission has the discretionary power to lower the qualifying level in the event of non-availability of candidates.

In view of the above observation, the application is disposed of by directing the respondent No.1, the Secretary, Public Service Commission who may consider filling up of the two vacant posts for PH category by using the discretionary provision of the Commission and by dint of lowering the cut off marks. If the applicant, after such revision of the cut-off marks, comes within the zone of consideration and found otherwise eligible, his name may be recommended as per Rules for the post of Audit & Accounts Officer.

SCN.

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