

**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 – 652 of 2022**

**Indrajit Mukherjee - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. I. Bhattacharjee,  
and Advocate

Date of order  
4  
09.02.2023 For the Respondents : None.

For the Public Service  
Commission, 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondents to withdraw their Memo. dated 30.08.2022, in which it has been informed to the applicant that two vacancies reserved for P.W.D. candidates are meant only for P.H. (HI). Since the candidate belonged to P.H. ( L.D. & C.P.), his name was not listed in the final merit list prepared by the Public Service Commission for the examination to recruit for the post of West Bengal Audit Account Service. Submissions of learned counsel for the applicant is that the applicant after having seen the advertisement, in which it was categorically mentioned about two posts exclusively reserved for P.H. the candidate applied and participated. After participation, the Public Service Commission informed the applicant that his score had total of 341 marks. Submissions of learned counsel for the applicant is that the Public Service Commission had violated the terms of the recruitment by not stating in the advertisement itself that the two reserved posts for P.H. are only for P.H. (H.I.) candidates and not for other P.H. candidates. Thus, the Commission violated the terms of its own advertisement.

Submissions of Mr. S. Bhattacharjee on behalf of the Public Service Commission

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is that the applicant having scored only 341 marks was not qualified to be in the merit list for recommendation. Mr. Bhattacharjee submits that the qualifying marks under the relevant category of U.R. (P.H.) was 380 and since the applicant scored only 341, therefore, he did not qualify to be in the merit list for recommendation. In response to the submissions of the applicant regarding the mismatch in the advertisement and the intimation to the candidate, Mr. Bhattacharjee prays for accommodation to seek instruction and submit response of the Public Service Commission by way of a reply by the next date.

The matter is admitted.

Let the matter appear on 28.04.2023 under the heading 'Reply, Rejoinder & Objection'.

**SAYEED AHMED BABA**  
**OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P