

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- 664 of 2021

Ratna Dey VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. A. Maity,
Learned Advocate.

13
26.04.2023 For the State Respondents : Mr. S. Ghosh,
Learned Advocates.

For the P.S.C. W.B. Mr. S. Bhattacharjee,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

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

The prayer in this application for setting aside the list of recommended candidates for the post of Industrial Development Officer. One advertisement No. 10/2019 was notified by the P.S.C., W.B. to recruit the Industrial Development Officers on behalf of the Directorate of Micro and Small Enterprises with the following two essential qualifications :-

- i) Ability to read, write and speak in Bengali.
- ii) A Degree of a recognised University/Diploma in Engineering or Technology of any recognised University/Institution.

Submitting on behalf of the applicant, Mr. Maity, learned counsel refers to para 4 of the advertisement, relevant portion is as under :-

- i) The Commission may fix qualifying cut off marks for all the categories of the vacancies in each level of

examination, i.e. written, interview and aggregate.

Mr. Maity submits that the Commission did not fix any such cut off marks at any stages as mentioned above. Further he refers to the reply given by the Commission to the applicant which states that she has scored only 60 marks in the interview out of 100 marks. Another reply in the R.T.L response from the Commission is quoted as under :-

- i) “Reply to query no. d: The selection of suitable candidates for the post in question has been done in two parts, viz. Screening test and Interview. The screening test has been conducted for short listing candidates for Interview. Then the shortlisted candidates have been called to interview on the basis of their merit. But the final merit list has been prepared only on the basis of marks obtained in the Interview.”

It appears from the list of successful candidates recommended for recruitment to the post of I.D.O. appearing at page 29 and 30, the last successful candidate under UR category to which the applicant belongs had obtained 65 marks. The above list does not help understanding whether the cut off marks was based on interview or was based on aggregate of both Screening Test and Interview. However, from the R.T.I. reply it is presumed that since the applicant had scored only 60 marks in the interview, thus she failed to qualify and her name did not figure in the list of recommended candidates for the post of I.D.O.

In concluding his submission, Mr. Maity reiterates his grounds in challenging the list of successful candidates on the following grounds

:-

- i) In the advertisement there was no indication that the final selection of the candidates will be based solely on interview. On the contrary, the advertisement rather mention cut off marks for all the categories. However, the Commission published the final list stating that the marks obtained by the successful candidates were based only on interview.
- ii) Thus, the selection for the post of I.D.O. based only on interview is not only arbitrary but is also not legally tenable.
- iii) That the cut off marks for interview was never published by the Commission, therefore, such important information was not known to the candidate.

Mr. Maity refers an Apex Court judgement in this regard reported in (1992) SCC 28.

Let the submissions on behalf of the State and the P.S.C. be heard on the next date.

Let the matter appear under the heading Hearing on **28.06.2023**.

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SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)