

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-100 of 2022.

Md. Golam Mustafa. – Versus – The State of West Bengal and Others.

Serial No. and Date of order For the Applicant : Mrs. F. Gulshan.
Advocate.

07
02.05.2022. For the State Respondents : Mrs. S. Agarwal,
Mr. S. Ghosh,
Advocates.

For the Public Service Commission, : Mr. A. L. Basu,
West Bengal. Mr. S. Bhattacharjee,
Advocates.

At the very outset, Mrs. F. Gulshan, learned advocate for the applicant prays for leave to add the Secretary, Public Service Commission, West Bengal as a party respondent by amending the cause title of the original application.

Leave granted.

In this application, Md. Gulam Mustafa, the applicant, who had applied for the post of Fire Operator in the West Bengal Fire Services under the Department of Fire and Emergency Services, Government of West Bengal, has prayed for several reliefs, the relevant portion of which is as under :-

“i) Directing the respondent authority concerned to award two marks to the applicant for his swimming certificate as desirable qualification and add the same to the grand total marks and recommend the name of the applicant for appointment to the post of Fire Operator in the West Bengal Fire Services under the Department of Fire and Emergency Services Govt. of West Bengal against the advertisement no.15/2018 after recasting a fresh panel.

ORDER SHEET

Form No.

Md. Golam Mustafa.

Case No. **OA-100 of 2022.**

Vs.

The State of West Bengal and Others.

ii) Directing the respondent authorities concerned to forthwith give appointment to the applicant for the post of Fire Operator in the West Bengal Fire Services under the Department of Fire and Emergency Services, Govt. of West Bengal immediately;”

Mrs. Gulshan, referring to the advertisement, particularly the “Desirable Qualification” and regarding allotment of marks for the said qualification, submits as it is evident that the applicant is having a swimming certificate from Sharks Swimming Club affiliated not only to the District Swimming Association, Hooghly and Bengal Amateur Swimming Association but also affiliated to District Sports Council, from which it is evident that he is a swimmer and as two similarly circumstanced candidates, whose names are appearing in the final list against serial nos. 1046 and 1609, have been recommended for appointment, appropriate order may be passed upon the Public Service Commission, West Bengal to recommend the name of the applicant for appointment.

Mr. A. L. Basu, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that the Commission does not stand in the way of recommending the name of the applicant. However, it has to be verified whether the swimming certificate issued by the Sharks Swimming Club, being annexure-‘C’ to the application is genuine or not. If the genuineness of the certificate is proved, the Commission will take necessary steps.

Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents, adopts the submission of Mr. Basu.

Having heard the learned advocates for the parties and considering the submission made by Mr. Basu, in particular, the

ORDER SHEET

Form No.

Md. Golam Mustafa.

Case No. **OA-100 of 2022.**

Vs.

The State of West Bengal and Others.

application is disposed of by directing the Secretary, Public Service Commission, West Bengal – the added respondent, to take steps for verifying the certificate, appearing at page-26 of the original application, and shall complete the verification within eight weeks from the date of presentation of a copy of the order downloaded from the website of the Tribunal. If after enquiry it is found that the certificate is genuine, the Public Service Commission, West Bengal, – the respondent no. 2, shall take positive steps in accordance with law.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.