

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 1018 OF 2019

PRANAY DATTA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Advocate
<u>06</u> 01.03.2021	For the Respondent	: None
	For the P.S.C., West Bengal	: Mr. S. Bhattacharya, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Though the matter has appeared under the heading “Reply/Rejoinder and Objection” Mr. G.P. Banerjee, learned advocate for the applicant submits that the matter may be taken up today for final hearing to which Mr. S. Bhattacharya, learned advocate for the Public Service Commission, West Bengal, in his usual fairness, does not oppose.

In view of the submission made on behalf of the parties, the matter is taken up today for hearing.

In this application, Mr. Pranay Datta, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

- “a) A mandatory direction do issue upon the concerned respondent authorities to forthwith reconsider the case of the applicant for recruitment to the post of ‘Scientific Assistant (Toxicology)’ at Forensic Science Laboratory under the Home (Police) Department, Government of West Bengal, published under Advertisement No.08/WBSSC/2016 dated

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15.07.2016, on proper consideration of his required “Desired Qualification” for more than 02 (two) years of working experience as a Laboratory Assistant in the State Forensic Science Laboratory, Government of West Bengal, by awarding marks for such thereby facilitating his entry into the zone of consideration and induction in the select list so published on 16.07.2019 for recruitment thereafter and to command them to act strictly in accordance with law;

- b) A direction do issue upon the concerned respondent authorities to forthwith publish the list of candidates appeared in the Written Test alongwith the marks secured by them individually as well as the candidates appeared in the Personality Test for recruitment to the post of ‘Scientific Assistant (Toxicology)’ at Forensic Science Laboratory under the Home (Police) Department, Government of West Bengal published under Advertisement No.08/WBSSC/2016 dated 15.07.2016 and thereafter to prepare and publish the fresh select list of successful candidates for the post-in-question after aggregating the marks obtained by each of the candidates in both the said Tests in consonance with the prescription contained in the said Advertisement dated 15.07.2016;”

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It appears that the applicant pursuant to an advertisement had participated in a selection process for recruitment to the post of Scientific Assistant (Toxicology) conducted by the Public Service Commission, West Bengal. On 31st March, 2018, the applicant appeared in the written examination conducted by the Commission. As he was successful, on 18th March, 2019 he was called for interview. Ultimately, the final result of the selected candidates for recommendation to the post in question was published on 16th July, 2019 by the Commission. Grievance is the name of the applicant did not appear in spite of his successful completion of the written examination and interview. It is submitted by Mr. Banerjee that though the applicant was having the necessary qualification including the experience of work in the State Forensic Science Laboratory, Government of West Bengal for more than two years, same has not been considered. Moreover, the marks obtained by the successful candidates in the interview have also not been indicated in the final list. Since the applicant is having the desirable qualification, it was imperative on the part of the Commission to give some advantage over the other candidates in the recruitment process. According to him though representations in detail were submitted before the Chairman and the Secretary of the Public Service Commission, West Bengal, being Annexure "C" to the application, those have not been considered. Aggrieved, this application has been filed. It is submitted by Mr. Banerjee that a direction may be issued on the Commission, particularly on the Secretary, Public Service Commission, West Bengal, the respondent no.3, to dispose of representation after giving an opportunity of hearing.

Mr. Bhattacharya submits that as the entire process of selection to the post of Scientific Assistant (Toxicology) was conducted on the basis of the stipulations contained in the advertisement and in the Rules and the same was done in a fair and unbiased manner, no order may be passed.

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Having heard the learned advocates for the parties and as prayed for on behalf of the applicant, the application is disposed of by directing the Secretary, Public Service Commission, West Bengal, the respondent no.3, to dispose of the representation dated 23rd July, 2019 by passing a reasoned order, to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the internet / website, after giving an opportunity of hearing and after verifying the records. It is made clear that in the reasoned order the respondent shall deal with the points raised in the representation. I make it clear that I have not gone into the merits of the matter and all points are left open to be dealt with by the respondent no.3.

SCN.

(SOUMITRA PAL)
CHAIRMAN