

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 1041 of 2018

Abhijit Sinha Ray -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. Riya Das,
Ld. Advocate.
For the State Respondents : Mr. G.P. Banerjee,
Ld. Advocate.
For the PSC, WB : Mr. Sourav Bhattacharjee,
Ld. Advocate.

15
11.11.2024

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.

By order dated 04.12.2023, this matter was to be placed before a Bench comprising two members (Judicial and Administrative). Today, Ms. Riya Das, learned counsel appearing on behalf of the advocate-on-record for the applicant requests that this matter be heard by the Single Bench.

The Public Service Commission, West Bengal, by its Advertisement No. 5/2018 had advertised for recruitment to the post of Motor Vehicles Inspector (Technical). The Commission had in its advertisement showed 234 vacant posts for Motor Vehicles Inspector (Technical) to be filled up. After completion of the entire recruitment process, the Commission published list of 194 successful candidates for recommending their names for appointment. The primary submission made on behalf of the applicant is that though the advertisement clearly stated a vacancy of 234, but the Commission recommended the names of only 194, thus, leaving vacancy of 40 posts. The learned counsel also raises a doubt regarding the qualification of two successful candidates viz., Jaydip Saha and Soumen Sarkar who appear in the recommended list at serial nos. 28 and 160 respectively. The argument is that as per the advertisement, the candidates were required to possess all the essential qualifications before the closing date of 19.03.2018. However, from a document available in the *website* of Ministry of Road Transport and Highways, it appears that two successful candidates – Jaydip Saha and Soumen Sarkar were issued Driving Licence for Transport Vehicle only on 26.04.2018 and 17.04.2018 after the closing date as stipulated in the advertisement. Her contention is that despite these two candidates not possessing the valid Driving Licence as on the last date of 19.03.2018, the Commission recommended their names. Attention is drawn to copies of Driving Licence

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details downloaded from the *website* of Ministry of Road Transport and Highways. The Tribunal finds that the Driving Licence issued to one Jaydip Saha has validity for driving a transport vehicle from 05.07.2017 till 04.07.2020. The Tribunal also finds that the Driving Licence issued to another candidate – Soumen Sarkar has validity for driving a transport vehicle from 05.03.2018 till 04.03.2021. From these details, the Tribunal is not satisfied that the argument of the applicant's side that these two candidates did not possess valid documents of essential qualification. The Tribunal is also not satisfied that the two names Jaydip Saha and Soumen Sarkar are the same persons as candidates recommended by the Commission in the panel. Unless there is sufficient proof to establish that both the named persons are the same as recommended by the Commission, the Tribunal cannot take cognizance of this argument. Ms. Das wishes to support her argument by way of new facts and possibly with new documents on the next date of hearing.

Let the matter appearing under the heading "**Hearing**" on **21.04.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS