

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 108 OF 2020

KAILASH PATI MONDAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and

Date of order

For the Applicant

: Mr.Goutam Pathak Banerjee
Advocate

10

21.04.2022

For the State respondents

: None

For the Public Service Commission
West Bengal

: Mr.Sourav Bhattacharjee
Advocate

In this application, Kailash Pati Mondal, the applicant, who had participated in West Bengal Forest Service and West Bengal Sub – Ordinate Forest Service Examination, 2018, has prayed for the certain reliefs, the relevant portion of which is as under:

“ a) A mandatory direction do issue upon the concerned respondent authorities to forthwith allow the applicant to appear before the Personality Test in regard to the West Bengal Forest Service and West Bengal Sub – Ordinate Forest Service Examination, 2018 so conducted by the Public Service Commission, West Bengal in terms of the Advertisement No. 14/2018, last date of which is fixed on 14.02.2020, in consideration of the representation of the applicant dated 13.01.2020 made before the authority concerned, being Annexure – ‘B’ herein and to command them to act strictly in accordance with law:”

It appears that the matter was taken up for hearing on 14th February, 2020 on the ground of urgency pleaded by Mr.G.P.Banerjee, learned advocate for the applicant and an order was passed, the relevant portion of which is as under:

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“The matter is taken up pursuant to the provisions contained in the proviso to Section 24 of the Administrative Tribunals Act, 1981. Since we find that the applicant had stated that he has requisite qualification as evident from the Bachelor Degree and he succeeded in the written examination and was called in the personality test and later it was declined on the ground that he is not having the requisite qualification, we are of the view a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order directing the Public Service Commission, West Bengal and its Secretary – respondent nos. 2 and 3 to allow the applicant to participate in the interview, which is being held today commencing at 2-30 P.M., or on a later date as may be decided by the Commission without prejudice rights and contentions of the parties and subject to further order that may be passed. After the interview, the mark sheet and answer script of the applicant shall be kept in a sealed cover and the result of the applicant shall not be published without the leave of the Tribunal. It is made clear that this order will not create equity in favour of the applicant.

Let a copy of this order along with the copy of the application be served on the Respondent nos. 2 and 3 before appearing in the personality test.

Let the matter appear under the heading “Admission Hearing” on 19th February, 2020.”

Thereafter, the matter was taken up on 27th February, 2020 when an

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order was passed, the relevant portion of which is as under:

“Mr. G. P. Banerjee, learned advocate for the applicant submits since the only prayer in the application is to allow the applicant in the personality test in the West Bengal Forest Service and West Bengal Sub-Ordinate Forest Service Examination, 2018 conducted by the Public Service Commission, West Bengal in terms of the Advertisement No. 14/2018 on 14th February, 2020 after considering the representation of the applicant dated 13th January, 2020 and pursuant to the order dated 14th February, 2020 by the Tribunal, the Commission has allowed the applicant to appear in the interview, nothing remains to be decided. Submission is the matter may be disposed of and the direction may be issued upon the respondents to publish the result.

Mr. A. L. Basu, learned advocate submits that as he has not received any instruction from the Commission, the matter may be adjourned to take instruction.

In view of such submission let the matter appear under the heading “Admission Hearing” on 4th March, 2020 to enable Mr. Basu to obtain instruction and the Secretary, Public Service Commission, West Bengal –the respondent no. 3 is directed to issue written instruction to Mr. Basu before that date.”

Thereafter on 4th March, 2020 while admitting the matter directions were issued to file reply and rejoinder. Thereafter, the matter was taken up from time to time. We find pursuant to the directions, the Commission has filed its reply which is on record.

It is submitted by Mr. Banerjee, since pursuant to the order of the

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Tribunal, the applicant has appeared in the interview and which was the only prayer in the application, the respondents may be directed to publish the result of the application.

Mr.S.Bhattacharjee, learned advocate appearing on behalf of the Commission relying on the reply submits that the application is not maintainable as the applicant did not have the requisite qualification for the post as evident from paragraph 4 of the reply.

Having heard the learned advocates for the parties, since pursuant to the interim order passed, the applicant had appeared in the interview and which is the only relief prayed for in the application, considering such fact the application is disposed of by directing the Secretary of the Public Service Commission, West Bengal, the respondent no. 3 to publish the result of the applicant within a fortnight from the date of communication of this order downloaded from the website of the Tribunal.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

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