

**ORDER SHEET**  
**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. – O.A. 134 of 2022**

**SOUMEN SAHA AND ORS. – VERSUS- THE STATE OF WEST BENGAL & ORS.**

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|------------------------------------|---|---|
| Serial No.<br>and<br>Date of order | For the Applicant                                 | : Mr. Surajit Samanta,<br>Mr. Balai Lal Sahoo,<br>Ms. Chhabi Chakraborty,<br>Miss. Sohini Samanta,<br>Advocates |
| <u>3</u><br>22.03.2022             |   |   |
|                                    | For the Respondents                               | : Mr. Gautam Pathak Banerjee,<br>Advocate   |
|                                    | For the Public Service<br>Commission, West Bengal | : Mr. Sourav Bhattacharya,<br>Advocate  |

Since despite service of notice, none appears on behalf of the State respondents, Mr. Gautam Pathak Banerjee, learned advocate, who normally appears on behalf of the State authorities, is requested to appear in this matter. The Legal Remembrancer, West Bengal is directed to regularise his appointment. Let a copy of the Original Application be served on Mr. Banerjee, which is served and accepted.

Heard Mr. Surajit Samanta, learned advocate appearing on behalf of the applicant, Mr. Sourav Bhattacharya, learned advocate appearing for the Public Service Commission, West Bengal and Mr. Banerjee for the State respondents.

Let reply be filed by 6<sup>th</sup> May, 2022. Rejoinder, if any, by 6<sup>th</sup> June, 2022. Matter to appear under the heading “Reply, Rejoinder and Objection” on 8<sup>th</sup> June, 2022.

So far as the prayer for interim order is concerned, it is submitted by Mr. Samanta that since in the advertisement no.5 of 2019 for Clerkship Examination, 2019 mention has been made about judging elementary knowledge in computer operation and ability in typing of computer, though the West Bengal Services (Recruitment to clerical cadre) Rules, 2010 as well as the

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subsequent amendment of the Rules in 2012 do not mention about such test, as the entire selection process is flawed, an interim order may be passed restraining the Commission from holding computer type test.

Mr. Sourav Bhattacharya, learned advocate appearing on behalf of the Commission submits that the applicants pursuant to the advertisement had participated in the part 1 and part 2 of the Clerkship Examination, 2019. In the said advertisement it was clearly mentioned that “....the final merit list shall be prepared on the basis of total marks obtained in the 2 parts provided the candidates have been found qualified in the test judging elementary knowledge in computer operation and ability of typing on computer.” Since being aware of the conditions on the selection process the applicants have participated in the said process, they cannot now turn back and challenge the process, moreso, when the notification regarding computer test was issued on 16<sup>th</sup> December, 2021 and the computer examination is going to be held on 26<sup>th</sup> and 27<sup>th</sup> March 2022. Submission is the application, affirmed on 14<sup>th</sup> March, 2022, lacks particulars regarding challenge to the selection process.

SCN. So far as the prayer for interim order is concerned, since prima facie we find about 55,000 candidates, including the applicants, have participated in the part 1 and part 2 examinations and the computer test is going to be held on 26<sup>th</sup> and 27<sup>th</sup> March 2022, no interim order is passed at this stage.

(SAYEED AHMED BABA)  
MEMBER (A)

(SOUMITRA PAL)  
CHAIRMAN