

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA-170 of 2021

Newton Biswas and Others. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. S. Sanyal, Mr. D. Chatterjee, Mrs. R. Ghosh, Mr. P. Majumdar, Ms. P. Paul, Advocates.
<u>3</u> 19.3.2021		
	For the State Respondents	: Mrs. S. Agarwal, Advocate.
	For the Public Service Commission, West Bengal.	: Mr. G. P. Banerjee, 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.

The matter is admitted.

At the very outset, it is submitted by Mr. S. Sanyal, learned advocate for the applicants that since the applicants had succeeded in the written examination for the post of Fire Operator in the Department of Fire and Emergency Services and were called for interview and in between the physical measurement was taken and as names of the applicants are not appearing in the list of the recommended candidates and as it appears that there has been violation on the point of reservation and the number of successful candidates is more than the declared vacancies, an interim order may be passed directing the Public Service Commission, West Bengal, - the respondent no. 3 to publish the marks of the written test and marks of interview and also the OMR of the

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candidates which is in tune with the orders passed on similar issues in WPST 17 of 2021 : Sahim Hossain and Others-Vs-The State of West Bengal and Others was passed on 3rd March, 2021 and the order dated 4th March, 2021 passed in MAT 298 of 2021 with CAN 1 of 2021 with CAN 2 of 2021 : Deepa Nandi and Others-Vs-Babusalam Mondal and Others and directing the Commission to upload the result of the marks in the written test and in the interview of all the candidates on the website of the Commission.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that the issue in this application is different from Sahim Hossain and Others (Supra). Since the entire selection process was conducted in a fair manner and as till date the candidates have not objected to the selection process and after becoming unsuccessful in the selection process, they have filed the application before the Tribunal, no interim order be passed and direction may be issued for filing reply and rejoinder.

Mrs. S. Agarwal, learned advocate for the State respondents submits that the State authorities act on the basis of the recommendation made by the Commission.

On a further query, Mr. Banerjee, submits that, if directed, the Commission will upload the marks obtained by all the candidates in the written test and interview and also publish the OMR of the candidates on the website of the Commission within ten days from the date of communication of this order downloaded from the internet / website.

In view of the fair submission made by Mr. Banerjee, the

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Commission shall upload the marks obtained by all the candidates in the written test and interview and shall also publish OMR of the candidates on the website of the Commission within ten days from the date of communication of this order downloaded from the internet / website.

Let the matter appear under the heading "For Orders" on 12th April, 2021.

Let there be an interim order directing each of the respondents not to take any action on the basis of the recommendations made by the Commission till 19th April, 2021.

(SOUMITRA PAL)
CHAIRMAN

S.M.