

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. - OA 184 OF 2024**

**DIBAKAR KUNDU - VERSUS - THE STATE OF WEST BENGAL & ORS.**

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|---------------------------------------|---|---|---|
| Serial No.<br>and<br>Date of<br>order | For the Applicant                                 | : | Mr. Kazi Ardan Ali,<br>Learned Advocate       |
|                                       | For the State Respondents                         | : | None  |
| <u>3</u><br>11.02.2025                | For the Public Service<br>Commission, West Bengal | : | Mr. Saurav Bhattacharjee,<br>Learned Advocate |

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let supplementary affidavit, filed by the applicant, be kept on record. Copy served.

Since it has become clear that the post of Revenue Inspector under MSP category pertains to Land and Land Reforms Department, let the Department be added as respondent No.1(b). Let the amendment in the cause title be done during the course of the day and let copy of the application along with the supplementary affidavit be served upon the Additional Chief Secretary, Land and Land Reforms Department and affidavit of service be affirmed and filed.

During the last day of hearing, a question was raised regarding maintainability of this application on the ground of limitation. It was contested by the Commission that the final merit list published on 24.08.2021 cannot be challenged before this Tribunal after a gap of three years. In the supplementary affidavit filed today, the applicant's side has annexed supplementary recommendations made by the Commission. From these copies it is clear that the last recommendation made by the Commission for the said post was published on 05.01.2023. It satisfies the Tribunal that such publication dated 05.01.2023 in continuation of the first merit list dated 24.08.2021 is continuous cause of action and, therefore, the limitation point is not a ground.

Although Mr. Bhattacharjee, learned counsel points out that the recommendation published on 05.01.2023 does not recommend any names under MSP category for which the applicant has agitated, however, it satisfies the Tribunal that such recommendation was

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not for the M.S.P. category, but the fact remains that the Commission had published such a recommendation relating to the same examination in which the applicant had participated.

Mr. Kazi, learned counsel's primary point of submission is that though 10 (ten) posts were advertised for the MSP category, but the Commission, without any reason, recommended the names of only 7 (seven) candidates for the post of Revenue Inspector under MSP category. Submission is that had the Commission recommended all the 10 (ten) names, the applicant would have been recommended since he was within the zone of consideration.

Having heard the learned counsels, the Tribunal has advised Mr. Bhattacharjee to file a reply giving specific reasons why the candidature of the applicant was not considered for recommendation under MSP category for the post of Revenue Inspector. Let such reply be filed and copy be served. Matter to appear under the heading "Hearing" on 08.05.2025.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL