

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 204 of 2020

Anujit Lala & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. G.P. Banerjee,
Ld. Advocate.
For the State respondent : Mrs. S. Agarwal,
Mr. B.P. Roy,
Ld. Advocates.

16
05.04.2023

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The submission of Mr. G.P. Banerjee, learned counsel for the applicants is that the very examination conducted amongst the contractual Data Entry Operators was violative of laid down rules and procedures. As an example, he states that earlier it was intimated to the applicants that the examination will be of 200, out of which 100 marks will be for type test, but no such type test was held. Moreover, no qualifying marks was fixed in the examination to reveal the marks of each candidate. Therefore, the entire examination was violative of well established procedures and thus being challenged in this application.

In terms of the direction to the respondent on 28.09.2022, Mrs. S. Agarwal, learned counsel for the State respondents files a report, a copy of which has been served to the applicants side. In this report at para 6, the Senior Special Secretary of the Department indicates that these 9 (nine) temporary Computer Operators are not working in this department. The relevant portion is as under :

“It is to state that those nine (9) temporary computer operators are not working in this Department now and it is further to state that they were paid their salaries upto the time when they were engaged with the Department and no outstanding dues lie against their names.”

The above statement made by the respondent is disputed by Mr. Banerjee.

In my opinion this matter involves various points of law and since the

ORDER SHEET

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very validity of the examination has been challenged as being violative of the laid down procedures, let this matter be placed before a Bench comprising of two members (Judicial and Administrative) on the next date. This view is also supported by the learned counsels of both the parties.

Let the matter be placed before such a Bench comprising of two members (Judicial and Administrative) on **26.07.2023** under the heading "**Hearing**".

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS