<u>ORDER SHEET</u> WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER, Case No. – <u>OA- 244 OF 2021</u>

BISWAJIT DEY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>12</u> 21.09.2023	For the Applicant	: Mr. K.Ghosal Advocate
	For the State Respondent	: Mr. Goutam Pathak Banerjee Advocate
	For the Public Service Commission, West Bengal	: Mr. Sourav Bhattacharjee Advocate

Present-

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.

Submission of Mr.K.Ghosal, learned counsel for the applicant is that though the applicant was successful in the written test, however, he was not allowed to participate in the PMET. Mr.Ghosal, refers to page 24 which appears to be a letter addressed to the applicant by the Commission and is dated 23.02.2021. In this letter, the Commission informs that the candidate / the applicant "did not appear for PMET on the given date i.e. 13.11.2019". It appears that the Commission had uploaded this information in their website and SMS and e-mails were sent to respective candidates. Upon request of the applicant, the Commission arranged for one more date i.e. on 03.12.2020. But again on the second date also the applicant remained absent. Mr.Ghosal, however, contends that the applicant did not receive any SMS or e-mail.

Mr.S.Bhattacharjee, learned counsel appearing for the Public Service Commission refers to para 9 of page 3 of reply which reiterates that this candidate and other similar candidates who had failed to appear on the first

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day for PMET were given one more chance on 03.12.2020 and such information was not only uploaded in the website, but also communicated through SMS and e-mail. The Commission had fulfilled its primary responsibility by such communication. It was the responsibility of the candidate himself to check the website for any updates. This fact was also mentioned in the advertisement of the Commission.

Let this matter appear under the heading "Further Hearing" on 17th April, 2024. Liberty to mention.

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

BLR