

**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- 244 OF 2021**

**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

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.

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

