

**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 261 of 2023

**Shri Sandip Kumar Roy. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mr. Shaon Bhattacharya, Advocate.
<u>04</u> 25.07.2024.	For the State Respondents	: Mr. Goutam Pathak Banerjee, Advocate.
	For the Public Service Commission, West Bengal	: Mr. Saurav 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.

The primary prayer of the applicant in this application is for a direction to the respondent authorities to accommodate the applicant in Group – 'B' service of West Bengal Civil Service (Exe.) Etc. Examination, 2011.

Mr. Shaon Bhattacharya, learned counsel who has appeared on behalf of the applicant submits that the interview in which the applicant participated comprised of only two Members of the Commission instead of the required four Members. The logic behind such argument is that since only two Members interviewed him, therefore, the interview marks were restricted to only these two Members. Had all four Members interviewed him, the marks would have been given by all the Members, and therefore, the applicant would have received more marks. As submitted by the counsel, the applicant was awarded only  $40 \times 2 = 80$  marks by these two Members. Had all the four Members been present and interviewed him, he perhaps would have received a total of 160 marks. Mr. Bhattacharya further submits that the applicant who had participated in the interview for Group – 'A' in the same year, had secured 158 marks in which a total of five Members were present.

**ORDER SHEET**

Form No.

**Shri Sandip Kumar Roy.**

Case No. **OA 261 of 2023**

**Vs.**  
**The State of West Bengal & Others.**

Attention is drawn to query no. 4 of the RTI reply dated 25<sup>th</sup> May, 2018, which is as under :-

*“Regarding 4<sup>th</sup> query : The Interview Board of West Bengal Civil Service (Exe.) Etc. Examination, 2011 for Group – A and Group – B Services were composed of 4 and 3 Members respectively including the presiding member i.e., the Member of the Commission in each case. It is to be mentioned that apart from the 3 members (i.e., advisors) and one presiding member for Group – A Service, the Hon’ble Chairman also selected a member of this Commission for the same Board to act as a member of this Commission.”*

The above reply was given to the applicant against his RTI query which was :-

*“How many Members constituted the Board for taking interview for the candidates who appeared for the interview of Group – ‘A’ and Group – ‘B’ respectively for the West Bengal Civil Service (Exe.) Etc. Examination, 2011”.*

Mr. Saurav Bhattacharjee, learned counsel files reply on behalf of the Commission. Copy served upon Mr. S. Bhattacharya.

Mr. Shaon Bhattacharya wishes to file a rejoinder to the reply.

Let submissions of Mr. Bhattacharjee on behalf of the Commission be heard on the next date.

Let the matter appear under the heading ‘Hearing’ on 09.01.2025.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A)

SM