

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,**      **HON'BLE CHAIRMAN &**  
**HON'BLE SAYEED AHMED BABA,**      **ADMINISTRATIVE MEMBER.**

Case No. – OA 292 of 2020.

PUSPENDU SARDAR-VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

11  
25.7.2022

For the Applicant : Mr. D.P. Dutta,  
Advocate.

For the State Respondents : Mr. G.P. Banerjee,  
Advocate.

For the Public Service Commission, West Bengal : Mr. A.L. Basu,  
Mr. S. Bhattacharjee,  
Advocates.

As prayed for by Mr. D.P. Dutta, learned advocate for the applicant, leave granted to amend the cause title of the Original application so far it relates to the respondent no. 3 by tomorrow.

In the application Puspendu Sardar, the applicant who had applied for the post of Lecturer in Chemical Engineering in Government Polytechnics under the department of Technical Education Training and Skill Development, Government of West Bengal, pursuant to the advertisement being No. 24/2018 issued by the Public Service Commission, West Bengal, has prayed for certain reliefs, the relevant portion of which is as under :-

*“(a) an order do issue directing the respondent authorities concerned to give your applicant an opportunity of personal interview for the purpose of appointment to the post of Lecturer in Chemical Engineering in Government Polytechnics in the West Bengal General Service under the Department of Technical Education, Training and Skill Development, Government of West Bengal...”*

The matter was admitted. Thereafter directions were issued for filing of reply and rejoinder. Reply and rejoinder have been filed and are on record.

The grievance of the applicant is though in the advertisement it has been mentioned *“all information regarding recruitment to the post will be*

ORDER SHEET

Form No.

PUSPENDU SARDAR.

---

Case No. OA 292 of 2020.

Vs.  
THE STATE OF WEST BENGAL & ORS.

---

*available, time to time, in the Commission's website...*”, however, as some of the candidates, as evident from the reply filed on behalf of the Commission, were intimated about the date of interview by e-mail and SMS barring the applicant orders as prayed for may be passed.

Mr. Dutta relying on the reply filed on behalf of the Commission submits that admittedly some of the candidates were informed about the date of interview by e-mail and SMS whereas applicant was denied of the same and as a result he could not appear in the interview.

Mr. A.L. Basu, learned advocate appearing on behalf of the Commission relying on the reply, particularly annexures at page 6 and 7 thereof, submits that as those communications were sent by the agency appointed by the Commission, no order may be passed. Moreover, the allegations levelled against the Commission have not been raised by any of the candidates except the applicant. As evident from the annexures that the agency had intimated all the candidates including the applicant, who were selected for the interview. Regarding the date of interview, on a query, it is submitted that logs of communication are kept for three months and it gets replaced by newer logs.

Mr. G.P. Banerjee, learned advocate for the State respondents submits that the application is not maintainable as it was moved without filing a representation. It is also submitted on instruction that after the selection process, merit list was published and successful candidates have been appointed as per the recommendation of the Commission.

In order to appreciate the issue, it is appropriate to set out the relevant portion of the paragraph 4 of the reply, which is as under :-

*“...Applicant after going through the Advertisement in detail has participated in the said Process. Commission uploaded the Schedule of Interview along with the names of candidates in its website much prior to the date of commencement of Interview and the IT cell of the Commission have also intimated the Candidates through email and SMS from their end. It is*

**ORDER SHEET**

Form No.

PUSPENDU SARDAR.

---

Case No. OA 292 of 2020.

Vs.  
THE STATE OF WEST BENGAL & ORS.

---

*pertinent to mention that no other candidate except the applicant has reported non-receipt of SMS/email. As the applicant was absent on the date of his Interview, his name was not recommended by the Commission... ”.*

Since the advertisement stipulates that information regarding recruitment to the post will be available in the Commission’s website and though it is evident from the reply that candidates except the applicant were informed about the date of interview through e mail and SMS, which is contrary to the advertisement, the submission of the applicant has to be accepted. It is to be noted that at this stage it is not possible to retrieve the information as we find from annexure ‘R’ to the application that the “logs of such communication” are kept for three months and it gets replaced by newer logs. Therefore, as the selection process is over and, since we uphold the claim of the applicant as he did not receive any e-mail and SMS from the Commission, considering such fact, the application is allowed by directing the Secretary, Public Service Commission, West Bengal, - the respondent no. 3, to hold interview of the applicant for the purpose of appointment to the post of Lecturer in Chemical Engineering in Government Polytechnics in West Bengal, as per advertisement being annexure “C” to the application, within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. In the event, the applicant is successful, the Principal Secretary, Department of Technical Education Training and Skill Development, Government of West Bengal shall create a supernumerary post and shall appoint the applicant after compliance all formalities within twelve weeks.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

Sk.

**ORDER SHEET**

Form No.

PUSPENDU SARDAR.

Case No. OA 292 of 2020.

**Vs.**  
**THE STATE OF WEST BENGAL & ORS.**

---

WEST BENGAL ADMINISTRATIVE TRIBUNAL

**ORDER SHEET**

Form No.

PUSPENDU SARDAR.

Case No. OA 292 of 2020.

**Vs.**  
**THE STATE OF WEST BENGAL & ORS.**

---

Sk.

WEST BENGAL ADMINISTRATIVE TRIBUNAL