

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 33 of 2022

Arizul Islam Laskar - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>03</u> 06.04.2022	For the Applicant	: Mrs. S. Mitra, Advocate.
	For the State Respondent	: Mr. G.P. Banerjee, Mr. S.K. Chakraborty, Advocates.
	For the PSC, WB	: Mr. S. Bhattacharjee, Advocate.

As prayed for by Mrs. S. Mitra, learned advocate for the applicant leave granted to add the Public Service Commission, West Bengal, as a party respondent by amending the cause title of the application in course of this day.

In this application, Arizul Islam Laskar, the applicant has prayed for certain reliefs. The relevant portion of which is as under :

“a) An order do issue directing the respondents, their agents, subordinates and successors to reassess the OMR sheet of the applicant in comparison to answer key supplied by the Public Service Commission forthwith ”

It appears that the applicant, pursuant to the advertisement by the Public Service Commission, West Bengal had applied for the post of Lecturer in Electronics and Telecommunication Engineering in Government Polytechnics in the West Bengal General Service under the Department of Technical Education and Training and Skill Development, Government of West Bengal and admit card was issued for appearing in the written test. The applicant appeared in the preliminary screening test and had answered in the OMR sheet. Though the Public Service Commission published a list of thirty nine candidates who were called for interview, however, the name of the applicant did not figure in the said list. The applicant made an application before the Commission under the Right to Information Act, 2005 seeking information as to the marks obtained by him, cut off marks in the category OBC-A in which he had appeared, copy of the

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OMR sheet and answer key of booklet series 'C'. In response, the Deputy Secretary of the Commission supplied the information. According to the applicant, it appears from the reply that he had obtained 11.33 marks whereas the cut off marks of OBC-A category was 18.67. As applicant made 56 correct and 23 incorrect answers, he is entitled to get 48.33 marks instead of 11.33. By letter dated 1st October, 2021, though the applicant requested the Commission to re-check his OMR sheet and for review of marks, however, till date, no action has been taken.

Mrs. Mitra submits that as in spite of the representation dated 1st October, 2021 addressed to the Chairman of the Commission, the respondent no. 1 the Commission is yet to review his marks, appropriate direction may be issued on the Commission to review the marks secured by the applicant.

Mr. S. Bhattacharjee, learned advocate appearing for the Public Service Commission, West Bengal submits that since the examination was a technical matter, Commission had entrusted WEBEL to assess the OMR sheets and after assessment to send the results of the candidates including the applicant to the Commission. It is submitted on instruction that after receiving the letter dated 1st October, 2021, the Commission on 26th November, 2021 had written a letter to WEBEL for reply. As no reply was received, a reminder was issued on 10th January, 2022 but without any effect.

There is no dispute that after obtaining the reply under the Right to Information Act, 2005, the applicant by letter dated 1st October, 2021 addressed to the Chairman of the Commission, the respondent no. 2 prayed re-checking the OMR sheets (Sl. No. 602207) with answer key (Booklet Series 'C') of the applicant having Roll No. 0603385. Admittedly, the Commission, as evident from the submission of Mr. Bhattacharjee has not responded to the said

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representation of the applicant. It appears that the Commission is waiting for the reply from WEBEL. Since Commission had entrusted WEBEL for assessing the OMR sheets, it is the duty of the Commission to ensure that proper answers/replies are received from WEBEL at the earliest. We fail to understand why there has been an inordinate delay on the part of the Commission in responding to the representation dated 1st October, 2021 as the letter was sent to the WEBEL by the Commission on 26th November, 2021 i.e. after about one and half months and the reminder was sent on 10th January, 2022 again after more than one and half months. Therefore, in the facts and circumstances of the case, it is the duty of the Commission to seek an answer and/or reply from WEBEL at the earliest.

Accordingly, the Secretary, Public Service Commission, West Bengal, the respondent no. 5 is directed to reply to the representation dated 1st October, 2021 within five weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS