

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)**

**Case No. – OA 351 of 2022**

**Bhabatosh Debsingha - VERSUS –THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. S. Mondal, Ms. T. Bhattacharyya, Learned Advocates.
<u>08</u> 04.07.2023	For the State Respondents	: Mrs. S. Agarwal, Learned Advocate.
	For P.S.C., W.B.	: Mr. S. Bhattacharjee, Learned 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.

The prayer in this application is a direction to the respondent authorities to consider the representation of the applicant dated 25.04.2022 and award 10 marks under the category obtained in Desirable Qualification. The applicant had appeared in an examination conducted by the Public Service Commission, West Bengal for filling up the post of Fire Operator. It appears from the application that this applicant had appeared for both the written test and the personality test of the recruitment process.

Mr. S. Bhattacharjee, learned advocate appearing on behalf of the Public Service Commission refers to page 53 of the application which is a statement of the Commission showing the aggregate marks obtained by the last candidate recommended for appointment under different categories. The last candidate recommended for appointment under Scheduled Caste category has obtained 50.33 marks, the same category to which the applicant also belong. Attention is also drawn to page 52 of the Commission's Notification which notified the list of both the successful and un-successful candidates. The name of the candidate appears at page 52 having serial no. 2859, showing the

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applicant, Bhabatosh Debsingha, having scored a total of only 45.33 and thus not recommended.

Earlier, this Tribunal had also heard and dismissed on merit in a similar case relating to OA 170 of 2021, in the matter of Newton Biswas & Others Vs. State of West Bengal & Others in which similar grounds were submitted by the applicant. This facts and circumstances of this matter is also similarly circumstanced and is fully covered by the order in OA 170 of 2021.

Mr. S. Bhattejee, learned advocate on behalf of the Commission submits that certificates under the heading, “Desirable Qualification” was not submitted at the time of interview by the applicant. Similarly, the certificate of experience in fire fighting was not submitted by the applicant at the time of interview.

After hearing the submission and considering the facts and circumstances of this application, the Tribunal is of the view that, it is very clear that the applicant’s total marks obtained in the recruitment process falls below the cut-off marks of the last candidate recommended for appointment. The applicant had scored a total of only 45.33 against 50.33 of the last recommended candidate, therefore, he was not found eligible for appointment. Further, the Admit Card of the applicant, at serial no. 3 makes it clear that the candidate should bring all the relevant documents required to substantiate his eligible criteria at the time of interview which the applicant failed to do so.

In view of above observations, the Tribunal does not find any merit in this application and thus this application is disposed of without any Order and cost.

SAYEED AHMED BABA

Officiating Chairperson & MEMBER (A)

H.S