

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 372 of 2024**

Mr. Islam Khan.-- **VERSUS** – The State of West Bengal & Others

Serial No. and Date of order	For the Applicant	:	Mr. S. Chatterjee, Ld. Advocate.
<u>03</u> 05.03.2025	For the State Respondents	:	Mr. R. K. Mondal, Ld. Advocate.
	For Public Service Commission, West Bengal.	:	Mr. S. Bhattacharjee, Ld. 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.

Affidavit of service filed today be kept on record.

The prayer in this application is for setting aside the merit list dated 06.04.2023 published by the Public Service Commission, West Bengal. The candidature of the applicant was not considered for the post of Fire Operator since he was over-aged. This Notification listing the name of the applicant at Serial No. 43 recorded the ground of non-consideration as “ineligible due to overage”.

Mr. Chatterjee, learned counsel pleads that as the applicant is similarly circumstanced to the applicants in OA-611 of 2023, a direction may be given to the Commission to consider his representation for acceptance of his candidature. A copy of the representation dated 22.04.2024 addressed to the Secretary of the Commission is available in this application.

Representing the Commission, Mr. S. Bhattacharjee, learned counsel, however, submits that the panel which was made of successful candidates for the post had already expired from 06.04.2023. Therefore, the question of considering the candidature of the applicant and recommending beyond the lapse or expired panel does not arise. Further submission is that the two

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applicants whose names were recommended by the Commission in terms of a direction of this Tribunal in OA-611 of 2023 had approached this Tribunal in the year 2023 and at that point of time such a panel was in existence and valid.

The matter is admitted.

Let the matter appear under the heading "Hearing" on 21.05.2025.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

H.S./S.M.