

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 38 OF 2022

KINGSUK GHOSH - VERSUS - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

04
25.07.2022

For the Applicant	:	Mr. Sayan Datta Advocate
For the State Respondent	:	Mr. Goutam Pathak Banerjee Advocate
For the Public Service Commission, West Bengal	:	Mr. Apurba Lal Basu Mr. Sourav Bhattacharjee Advocates

Mr.S.Dutta, learned advocate for the applicant submits that since the applicant had answered the question nos. 1, 9, 65 and 94 correctly, the Public Service Commission, West Bengal, which has found the answers incorrect, be directed to award marks after reassessment.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits since the answers were evaluated by experts, in view of the judgement in Dalpat Absaheb Solunke Vs. B.S.Mahajan, AIR 1990, particularly the law laid down in paragraph 9 therein, the submission of the applicant is not tenable. Since the selection procedure was conducted in the year 2018, the recommended list was sent on 1st October, 2019, as the selected candidates in the merit list have already joined and as the instant application was filed in January, 2022 and thereafter notices were issued to the respondents, the application is not maintainable.

Mr.A.L.Basu, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits since evaluation of answers of a candidate is done by experts, no order may be passed.

ORDER SHEET

Form No.

KINGSUK GHOSH

Vs.

Case No. : **OA 38 OF 2022**

THE STATE OF WEST BENGAL & OTHERS

The matter is admitted. Let reply be filed by 16th September, 2022. Rejoinder, if any, by 26th September, 2022. Matter to appear under the heading “Reply, rejoinder and Objection” on 28th September, 2022.

The point of maintainability of the application is kept open.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR