

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. – OA 404 of 2022

*Biswajit Pratihar & Ors.* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. M.N. Roy, Mr. S. Chatterjee, Ms. A. Kundu, Learned Advocates.
<u>03</u> 20.09.2022	For the State Respondent	: Mr. G.P. Banerjee, Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for recasting of the selected panel for the post of Agragami. As per the applicant, one Notification No. WBPRB/NOTICE-2021/6 (WBNVF-19) was published in the website asking for applications from eligible candidates for recruitment to the post of WBNVF Agragami in Civil Defence Organisation, West Bengal to be submitted from 22.02.2021 to 22.03.2021 (5 PM). Subsequently, another Notification No. WBPRB/NOTICE-28/2021[Agragami WBNVF] was published giving details of procedure. Against such Notification, the applicants submitted their applications and were asked to appear in the written examination, wherein they were found successful as per the result of the written examination as notified vide Notice No. WBPRB/NOTICE-05/2022 [AGRA-WBNVF]. Thereafter, the applicants were also called for interview along with other successful candidates of written examination and they appeared in the said interview on different dates. Subsequently, a list of 612 provisionally selected candidates was published vide Notice No. WBPRB/NOTICE-2022/20 (AGRA-WBNVF) along with the list of unsuccessful candidates also. However, from the perusal of the said two lists, the applicants do not find their names in the list of successful candidates. As per the applicants, from the perusal of the answer keys of the written examination, it would be found that there were some wrong answer keys with

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regard to Question Nos. 16, 20 and 42 and therefore, if the respondent would have rectified their marks, their total marks would rise and they would be eligible for being listed as successful candidates. Therefore, they are praying for interim protection for stay of operation of the selection process.

The counsel for the respondents has vehemently objected to grant the interim protection as prayed for. However, the counsel for the respondent has prayed for leave to file reply.

As per the counsel for the respondent, the applicants participated in the interview also. Therefore, after being declared unsuccessful, they cannot challenge the procedure of granting marks in the written examination. Therefore, they are not entitled to get any interim protection. However, he has strongly opposed to allow the prayer of granting stay of selection procedure.

Heard the parties.

Admit.

During the course of the hearing, the counsel for the applicants has drawn my attention to the answer keys of Question Nos. 16, 20 and 42 as well as corresponding correct answers of the said questions. Therefore, the counsel for the respondents are directed to file reply by four weeks and rejoinder, if any, by two weeks thereafter. However, any appointment made out of the said selection process would abide by the outcome of this OA.

Let the matter be listed before the **Registrar Bench** on **09.11.2022** for completion of pleadings.

CSM/SS

**URMITA DATTA (SEN)**  
**Officiating Chairperson & Member (J)**