

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA - 448 of 2024**

**Adarsha Purkait - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Ms. S. Sarkar,  
Learned Advocate.

01  
01.10.2024.

For the State Respondents : Mr. M.N. Roy,  
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed, be kept with the record.

The prayer in this application for directing the respondent authorities to provide the marks of the successful candidates, category wise obtained in the written examination conducted in the year 2017 for the post of Forest Guard. The prayer also includes a direction to the respondent authorities to give an opportunity to the applicant to appear in the Physical Standard Test/Physical Education Test for the same post of Forest Guard. The secondary prayer also include a direction upon the respondent authorities to transmit all relevant documents communicated with the examination conducted in the year 2017 for the post of Forest Guard. It appears from the submissions of the learned counsels and records in this application that the applicant was not successful in the recruitment process held in the year 2017. Though, he had preferred applications under the R.T.I. Act, but no replies were forthcoming, only in terms of directions of the Chief Information Commissioner, such information under R.T.I Act was provided on 04.09.2019. The applicant still not being satisfied with the response filed WPA 5747 of 2024 before the Hon'ble High Court. The Hon'ble High Court in its order dated 03.07.2024, asked the applicant to approach the Tribunal. Thereafter, this application was filed on 06.09.2024.

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Mr. Roy, learned counsel appearing on behalf of the state respondents vehemently opposes admission of this application on the grounds of limitation and maintainability. Mr. Roy also argues that this application is not admissible due to nonjoinder of necessary parties. He is also of the view that the prayers in this application are not admissible for the simple reason that the examination of 2017 being assailed in this application was completed in all respects and final result of successful candidates was also published on 15.02.2018. Ms. Sarkar, learned counsel submits that the plea of Mr. Roy that this application is barred by limitation is not correct for the reason that the applicant since 2018 has been repeatedly filing representations and R.T.I. queries. It was eventually only in terms of a direction of the Hon'ble High Court on 11.04.2022, such disclosure was made to the applicant. Attention of the Tribunal has also been drawn to the reply of the W.B. Police Recruitment Board to the applicant for which it is noted that he had obtained only 71.25 marks in the written test whereas the cut off marks was 80.25 for OBC-B. Submission on behalf of the applicant is that the cut off marks fixed at 80.25 was much higher compared to UR candidates fixed at 76.25.

Though, Ms. Sarkar argues that the information dated 30.05.2019, addressed to the applicant was served upon the applicant only in 2024, but the Tribunal is not satisfied since this document is part of the application filed by the applicant himself. The Tribunal is also clear that the applicant by scoring 71.25 marks was not eligible for the next round of tests of PST & PET. The cut off marks fixed by the Board for the category he belongs to OBC-B was 80.25. It is plain and simple that the applicant had scored much lesser marks than the last successful candidate in his category during the written test. The Tribunal is also not

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convinced that such information available to him by this document on 30.05.2019 filed this application before this Tribunal after a lapse of five years. The Hon'ble High Court has not passed any directions regarding the merit of this case except remanding it to the Tribunal with the following comments :-

*“It has also been recorded in the said order that the time consumed between 28<sup>th</sup> February, 2024 till 3<sup>rd</sup> July, 2024 shall be construed to have been proceeded by the applicant in a bona fide manner before a forum without jurisdiction.”*

Section 21 of Administrative Tribunals Ac, 1985 allows not more than one year for an application to be filed before the Tribunal. Condonation of delay in filing an application after more than one year requires the Tribunal to be satisfied that there was “sufficient cause” for such delay. In this application, the Tribunal having observed that the information recorded in Memo 30.05.2019 of the West Bengal Police Recruitment Board could have approached this Tribunal or any other forum within one year, but this application was filed after a lapse of more than a year.

The Tribunal after hearing the submissions and on examination of the records is not satisfied that this application is admissible and delay in filing this application has sufficient cause to be condoned. Accordingly, the application is disposed of without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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