

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 458 of 2022

Sagnik Datta -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. A. Biswas, Ld. Advocate.
	For the State respondent	: Mr. G. P. Banerjee, Ld. Advocate.
<u>05</u> 18.08.2023	For the 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 23rd 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 for a direction to the respondent authorities to give marks to the applicant in respect of question no. 18. The applicant had appeared as a candidate for recruitment to the post of Lecturer in Electrical Engineering conducted by Public Service Commission, West Bengal. Since his name was not considered as a successful candidate for interview, therefore, this application was filed contesting the correctness of the answer to question no. 18 as given by the Commission.

Mr. A. Biswas, learned advocate appearing on behalf of the applicant contests that the answer given by the Commission was wrong. Mr. Biswas also submits that the options shown as 'A' and 'C' for question no. 18 are one and the same.

Appearing on behalf of the respondents, both Mr. G. P. Banerjee and Mr. S. Bhattacharjee submit that it is the exclusive domain of the experts engaged by the Commission who would determine the correctness of answer against questions, however, Mr. Bhattacharjee prays for accommodation to file a reply on behalf of the Commission. Further, Mr. Banerjee opposes admission of this application since such prayers in this application are not admissible.

Heard the learned counsels for the parties, the matter is admitted.

Let the matter appear under the heading "**Hearing**" on **11.12.2023**.

Reply and rejoinder, if any, in the meantime.

CSM/SM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)