

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 527 of 2022.

SAMI SAIKH – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

6  
20.3.2023

For the Applicant : Mr. A. Maity,  
Advocate.

For the State respondents : Mr. R.K. Mondal,  
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.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondents to publish the final merit list in connection with the selection process for the post of District Food Safety Inspecting Officer advertised in July 11, 2019 by the West Bengal Health Recruitment Board. The advertisement showed total of thirteen vacant post to be filled up under different categories.

From the report submitted by the respondent today, it appears that the Recruitment Board intimated the Department on 12<sup>th</sup> February, 2020 enclosing a final list of recommended candidates. From the list it is clear that three candidates were recommended under UR category and one candidate was recommended under OBC-B category. However, no information has been provided by the respondent regarding the publication of the remaining nine other vacancies. The remaining nine vacancies related to two for UR(EC), two for SC, one for SC(EC), one for ST, one for OBC-A, one for BC-A(EC) and one for PWD. Regarding the outcome of the applicant's exam, the respondent has made the following remarks :-

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*“....It is to be noted here that the Technical Expert concerned submitted a report on 14.01.2021 which inter alia states “....the candidates Sami Saikh (Roll No. 40705) is not at all suitable for the post of DFSIO....”.*

Mr. A. Maity, learned counsel for the applicant submits that the applicant's result cannot be decided by such a language in the sentence, recruitment is a transparent process and every single candidate has the right to know the final outcome of the exam through clear process.

As it appears from the papers submitted by Mr. R.K. Mondal, learned counsel for the State respondents, the applicant obtained two marks in the interview out of total fifteen marks. Thus, he was not found suitable and he did not qualify for the post.

However, as submitted by Mr. Maity that as per the advertisement only two marks in the interview out of fifteen has been reflected by the Board, but, not the marks he obtained for testimonials as per the advertisement.

Submission is that the Board may be directed to publish the marks he obtained for testimonials.

After hearing the submissions and perusing the records, the following is clear that out of thirteen posts advertised, the panel of successful candidates submitted by the Board to the Department relates to only four candidates. Therefore, the outcome of remaining nine candidates as per the advertisement is not known in this report.

Therefore the Secretary & Controller of Exam, West Bengal Health Recruitment Board is directed to intimate the applicant (i) Total marks obtained by the applicant for his testimonials and (ii) the cut off or the total marks (for testimonials and interview) obtained by the last successful candidate under each

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category and communicate the same to the applicant within a period of eight weeks from the communication of this order.

Accordingly, the matter is disposed of.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Sk.

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