

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 622 of 2022

Buddhadev Naskar. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. G. P. Banerjee, Mr. A. Hati, Advocates.
<u>01</u> 23.09.2022.	For the State Respondents	: None.
	For the Respondent No. 5	: Mr. M. N. Roy, 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 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Affidavit of service has been filed today be kept on record.

None for the State respondents.

The counsel for the applicant has submitted that he had come earlier in OA-223 of 2021, which was dismissed having no locus standi as there was no vacancy at that point of time or no rules were violated. However, as per the applicant, now one vacancy has occurred. Therefore, he being a Scheduled Caste candidate is apprehending that he may be deprived from getting considered against the reserved vacancy.

It is noted that in the earlier occasion, the applicant came before this Court in OA-223 of 2021, which was dismissed with following observation:-

“I have heard both the parties and perused the records. It is noted that the applicant has basically prayed for an interim order with a prayer to direct the respondent authority not to fill up another post of Grade-I in Agronomy

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Discipline (Research) by General Candidate, which will be vacant very soon that means the post is still occupied by the present incumbent and unless and until the post would be vacant or any violation of Recruitment Rules would be found, there is no question of granting interim order on future happening. Therefore, the instant application is premature one as at present the cause of action yet to be occurred. Therefore, in my considered opinion, at present the applicant has no locus standi to ask for any interim protection or any other order in this regard. Accordingly, both the O.A. and M.A. are dismissed being premature.”

However, some typographical mistake was rectified with regard to line 11th of the page 2 vide order dated 20.09.2022.

In view of the above, the applicant is directed to satisfy the Court on the point of the locus standi for interim protection of admissibility of the OA as till date only one vacancy has been occurred. As per the applicant, one vacancy has been created by transferring Probir Kumar Saha, Chief Agronomist and Ex-Officio Joint Director of Agriculture, FCRS, Burdwan to the post of Joint Director of Agriculture (Research), West Bengal Higher Agriculture Service (Research), West Bengal vide order dated 14.09.2022. Therefore, the said position is being vacant he is apprehending that it may be filled up. Therefore, the

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applicant is directed to satisfy the Court on the point of locus standi as well as the respondents are directed to take instruction and appear by the next date.

Though affidavit of service has been filed but none appears for the State respondents except the respondent no. 5, therefore, the Registry is directed to serve copies along with this order to all the respondents to enable them to represent and make appropriate submission on the next date.

Let the matter be listed under the heading "**Admission Hearing**" on **11.11.2022.**

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)

S.M.