

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 626 of 2023.

SUSMITA MONDAL- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
29.01.2024

For the Applicant : Mr. V. Mallick,
Learned Advocate.

For the Public Service Commission, : Mr. S. Bhattacharjee,
West Bengal. 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.

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

Affidavit of service filed be kept on record.

By filing this application, the applicant has prayed for a direction to the respondent authorities, in particular the respondent no. 3 – Secretary, Public Service Commission, West Bengal to correct the arithmetic error in the total marks shown against the applicant and thereafter allow her to participate in the personality test for the post of Supervisor, ICDS-2019. After completion of the written examination, a list of candidates were published on 20.6.2022 inviting them to appear in the personality test. Since her name did not feature in this list, she applied for copies of answer sheets before the SPIO. Since it was denied to her, she preferred an appeal before the RTI Commission and the Appellate Authority by passing a reasoned order directed the SPIO to provide the answer scripts to the applicant. Thereafter, having received the copies of the answer sheets, the applicant found out that she had scored a total 223 in the four subjects. But in the list of unsuccessful candidates published by the Commission, the applicant was shown as having scored only 217 in the written examination and was thus not eligible and not invited to appear for the personality test.

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THE STATE OF WEST BENGAL & ORS.

Submission is that as per records made available to her in the form of answer scripts, she had scored total of 223 but the Commission has wrongly shown her to have only 217. Since it is clear that her total of 223 makes her eligible to appear for the personality test, submission is that a suitable direction may be given to the Commission to offer her the opportunity to appear in the personality test.

Appearing on behalf of the Public Service Commission, West Bengal, Mr. S. Bhattacharjee, learned counsel agrees to the submission of Mr. V. Mallick and submits that if a direction is given, the same will be complied.

Having heard the submission of the learned counsels and considering the facts of this matter, it is evident and not in dispute that the applicant had scored total 223 marks in the written examination and thus eligible to appear for her next level of recruitment process i.e. Personality Test.

In view of the above observation, the respondent no. 3 – the Secretary, Public Service Commission, West Bengal is directed to allow the applicant Susmita Mondal to appear in the personality test within eight weeks from the date of communication of this order and thereafter publish her result as per usual norms and procedures.

The application is thus disposed of accordingly.

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

Skg.