

**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 664 of 2021**

**Ratna Dey -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. A. Maiti, Ld. Advocate.  
For the State Respondent : Mr. S. Ghosh, Ld. Advocate.  
For the PSC, WB : Mr. A.L. Basu,  
Mr. Sourav Bhattacharjee,  
Ld. Advocates.

19  
21.02.2024

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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

Appearing on behalf of the Commission, Mr. Basu submits that as clear from the order of this Tribunal dated 11.01.2022, the applicant was well aware of the fact that such selection would be based on interview. Such information was also given in both the Advertisement and the "Important Announcements" published by the Commission. Therefore, the contention of the applicant's side that such selection only on the basis of interview being arbitrary is not a valid point. Secondly, Mr. Basu responds to the judgments earlier cited by Mr. Maiti, learned counsel for the applicant, that context of these judgements are completely different from the present application. Therefore, these judgements are not relevant to be relied upon in this matter.

Attention is also drawn by Mr. Basu to the page "*Information published by the Commission as part of the advertisement*". As per para 4 of this Information, Mr. Basu emphasises that the fact such selection would be based on the interview had been clearly indicated to the aspiring candidates. The relevant line as contained in this information is stated as "*where the number of applications received in response to the advertisement is large and it is not convenient or possible for the Commission to interview all the applicants, the Commission may restrict the number of candidates for interview to a reasonable limit on the basis of either higher qualifications in the relevant subjects/higher standard of marks/grade obtained in the essential qualifications or on the basis of a Screening Test/Written Test.*" Since the number of applicants was very large for the selection to this post, the Commission had conducted a Screening Test. Candidates successful in such Screening Test (MCQ – 100 marks) were invited to

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appear for the interview. The applicant being successful in the Screening Test was invited to appear for the interview test. The name of this applicant having scored only 60, whereas the last successful candidate having scored 65 under the same unreserved category was not recommended.

Further, Mr. Basu relies on para 12 of a judgment in the case of “Ashok Kumar and Another v. State of Bihar and Others” reported in (2017) 4 SCC 357.

Heard the pleadings of the ld. counsels.

Order reserved.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**