

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**The Hon'ble Sayeed Ahmed Baba, Administrative Member**

**Case No. –OA 699 OF 2021**

**ABHISHEK DUTTA & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

04  
11.01.2022

For the Applicants

: Mrs.Sonali Mitra  
Advocate

For the State respondents

: Mr.Goutam Pathak Banerjee  
Advocate

For the Public Service Commission  
West Bengal

: Mr.Sourav Bhattacharjee  
Advocate

Heard Mrs.S.Mitra, learned advocate for the applicant and Mr.S.Bhattacharjee, learned advocate for the Public Service Commission, West Bengal. Since despite service of notice, none appears on behalf of the State respondents, Mr.G.P.Banerjee, learned advocate who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served by Mrs.Mitra on Mr.Banerjee, which is served and accepted. The Legal Remembrancer, West Bengal, is directed to regularise the appointment of Mr.Banerjee.

In this application, the applicants, who had participated in the Junior Engineers (Civil/Mechanical/Electrical) Recruitment Examination, 2016 have prayed for a direction upon the Public Service Commission, West Bengal, to include their names in the vacancies after considering the order dated 17<sup>th</sup> August, 2021 passed in WPST 109 of 2020. Mrs.Mitra, submits that the points raised by the applicants require consideration.

Mr.Bhattacharjee on behalf of the Commission submits since the advertisement for recruitment is of the year 2016 and the merit list was published on 28<sup>th</sup> January, 2017 and as the applicants are fence sitters and have moved before the Tribunal after the order was passed on 17<sup>th</sup> August, 2021 in

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**THE STATE OF WEST BENGAL & ORS.**

WPST 109 of 2020, no order may be passed.

Mr.Banerjee, adopts the submission of Mr.Bhattacharjee.

There is no dispute that the advertisement for recruitment was published in the year 2016 and the merit list was published in the year 2017. The applicants have filed this application on 22<sup>nd</sup> September, 2021 after the judgement was delivered on 17<sup>th</sup> August, 2021 in WPST 109 of 2020. The judgement of WPST 109 of 2020 is not made applicable to the case as the High Court has made it clear that “this order is restricted only to the writ petitioners before us”. Therefore the applicants cannot rely on the said judgement. It is apparent that the applicants are fence sitters as they have moved the Tribunal after the judgement was delivered on 17<sup>th</sup> August, 2021 in WPST 109 of 2020. Therefore, no order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN

BLR