

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

Present-

**HON'BLE JUSTICE SOUMITRA PAL,  
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &  
ADMINISTRATIVE MEMBER.**

Case No. – OA 700 of 2021.

**AMIT KOTAL & ORS -VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	: Mrs. S. Mitra, Advocate.
<u>3</u> 20.12.2021.	For the Public Service Commission, W.B.	: Mr. S. Bhattacharjee, Advocate.
	For the Finance Department	: Mr. G.P. Banerjee, Advocate.

Let affidavit of service filed be kept on record.

In this application the applicants, who had participated in the selection process for appointment to the post of Assistant Engineer (Civil) conducted by the Public Service Commission, West Bengal has prayed for certain reliefs, the relevant portion of which is as under :-

*“...a) An order directing the respondents, their agents, subordinates and successors particularly the respondent no. 2 & 3 to include the vacancies during the recruitment process in connection arised with the recruitment of 2015 and to fill up all the existing vacancies from the successful merit list dated 5<sup>th</sup> January, 2017....”.*

On a query, Mrs. S. Mitra, learned advocate for the applicants submits as the panel of the Assistant Engineers (Civil) is yet to be exhausted, the applicants have challenged the said panel on the grounds as enumerated in the application.

Mr. S. Bhattacharjee, learned advocate appearing on behalf of the Commission submits that the application filed is not maintainable under section 21 of the Administrative Tribunals Act, 1985 as it is the selection process of 2015. Referring to the intimation dated 7<sup>th</sup> May, 2017 issued by the SPIO and Assistant Secretary to the Commission, appearing at page 50 of the application, it is submitted that the panel

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prepared on the basis of the results of the Assistant Engineers' (Civil) Recruitment Examination, 2015 has exhausted on 29<sup>th</sup> December, 2017. Submission is as the instant original application was filed on 22<sup>nd</sup> September, 2021 and that is after about four years from the date when the panel got exhausted, no order may be passed. Assuming the panel has not exhausted, it cannot be a ground for challenging the panel after about four years.

Heard Mr. G.P. Banerjee, learned advocate for the Finance Department.

Heard learned advocates for the parties. Admittedly, the selection process regarding Assistant Engineers' (Civil) Recruitment Examination, 2015 was conducted by the Public Service Commission, West Bengal. Thereafter, the panel was prepared, which was published on 2<sup>nd</sup> February, 2017, as evident from pages 44 to 46 of the original application. It appears pursuant to an information sought for under the Right to Information Act, 2005, the SPIO and Assistant Secretary to the Commission, by an intimation dated 7<sup>th</sup> May, 2017, appearing at page 50 of the application, addressed to Subhayan Bhaumik, the applicant no. 11, had intimated, inter alia, as follows :-

*“Regarding 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> queries :*

*The panel prepared on the results of the Assistant Engineers' (Civil) Recruitment Examination 2015 has already been exhausted on 29.12.2017....”.*

Since the recommendation was made on 7<sup>th</sup> February, 2017 and as one of the applicants, that is applicant no. 11, was intimated by the intimation dated 7<sup>th</sup> May, 2017 that the list has exhausted and as, in our view assuming the panel is pending, it cannot be a ground for challenging the panel at this belated stage, that is after about four and

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half years after recommendation was made on 2<sup>nd</sup> February, 2017, as evident from pages 44 to 47 of the application, and the applicant no. 11 was aware of the same, no order is passed on the application. The application is dismissed.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

Skg.

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