

**ORDER SHEET**

**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 718 of 2022**

***Mr. Golam Mustafa* -- **VERSUS** – The State of West Bengal & Ors.**

Serial No. and Date of order  
For the Applicant : Mr. H. Rahaman, Ld. Advocate.  
For the State respondent : Mrs. S. Agarwal, Ld. Advocate.  
For the PSC, WB : Mr. S. Bhattacharjee, Ld. Advocate.

03  
28.02.2023

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.

Affidavit of service filed be kept on record.

In terms of the Tribunal's order dated 02.05.2022 in OA 100 of 2022, the PSC, WB passed a reasoned order and did not consider the Swimming Certificate issued to the applicant by a Swimming Club, Sharks Swimming Club. The specific reason given is as under :

“On examination of the certificate it reveals that the petitioner was enrolled in 1<sup>st</sup> level course but the organization did not mention specifically whether the petitioner attended the course regularly or completed the even beginner course or otherwise. In fact, I found that the letter of the Secretary of the said organization is contradictory to the certificate earlier issued in favour of the petitioner.”

The learned counsel for the applicant submits in this application for setting aside the above-mentioned impugned order. He submits that in the case of four other candidates appearing in the same examination and having same certificate from the same Institute were awarded two marks each for swimming.

However, as submitted by the Learned Counsel for State in this application neither those four candidates have been added as a party nor their certificates enclosed. In response, learned counsel for the applicant prays for liberty to add the four candidates in this application and also submit copies of their Swimming Certificates from the same Institute by the next date.

Let the matter appear under the heading “**Admission Hearing**” on **07.07.2023**.

CSM/SS

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