

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-721 of 2021

Paritosh Saha - VERSUS – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. S. C. Dhara, Advocates.
<u>02</u> 17.12.2021	For the State Respondents	: None.
	For the Public Service Commission, West Bengal.	: Mr. S. Bhattacharjee, Advocate.

In this application, Paritosh Saha, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :

“(a) To direct respondents and/or their agents to re-evaluate/examine the answer script of the petitioner in written examination and the answer key provided by the West Bengal Public Service Commission in respect of question nos. 20, 28, 38, 74, 78, 81 and 88 by the expert, regarding the correctness of the answer given by the applicant and correctness of marks awarded by the examiner on the basis of answer key published by the ‘said commission’ and further directs the respondents to remove the defects and anomalies in the answer key and award the marks which he is entitled to in respect of said examination and to select the applicant for recruitment to the post of Junior Engineers (Civil/Mechanical/Electrical) in West Bengal Sub-ordinate Service of Engineers (Civil/Mechanical/Electrical) under the various Departments, Directorates, other offices and establishments of Government of West Bengal in terms of advertisement no. 25/2017 published by the ‘said commission’ and to issue appointment letter in his favour, forthwith.”

Heard Mr. M.N. Roy, learned advocate for the applicant. It is submitted by Mr. S. Bhattacharjee, learned advocate for the Public

Form No.

Vs.

Case No. **OA-721 of 2021.**

The State of West Bengal and Others.

Service Commission, West Bengal since recommendations for the post of Junior Engineers (Civil/Mechanical/Electrical) were made on 1st October, 2019, no order be passed as the application was filed on 21st September, 2021.

In reply, it is submitted on behalf of the applicant since the application under Right to Information Act, 2005 was furnished on 24th October, 2019 and it was replied by the Commission on 6th January, 2021, appropriate order may be passed.

Heard learned advocates for the parties. Since the matter relates to correctness of key answers and as the answers are evaluated by experts and the Tribunal cannot sit on judgement on such evaluation and as the recommendation for the post concerned to the State Government were made on 1st October, 2019 and belated answer to the queries cannot be a ground for moving the original application belatedly in view of Section 19 of the 2005 Act and as the original application was filed on 28th September, 2021 on the eve of the vacation and thereafter copies were served on the Commission, no order be passed.

The application is disposed of.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

HS/SS