

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA 723 of 2017**

**Hurmuj & Ors. - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

25  
08.02.2024

For the Applicant : Mr. B.N. Ray,  
Learned Advocate.

For the State Respondents Mr. G.P. Banerjee,  
Mrs. S. Agarwal,  
Learned Advocates.

For the W.B.S.S.C. Mr. Sourav Bhattacharjee,  
Learned Advocate.

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 23rd 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.

The applicants have prayed for a direction to the respondent authorities to review and recast the vacancy position declared in respective categories in accordance with the reservation policy, statutory Act and Rules and offer employment for the post of Group-D. During 2017, the erstwhile Group-D Recruitment Board had invited applications to fill up 6,000 (six thousand) vacant posts of Group-D. The present applicants applied and participated in the recruitment process but in the final merit list recommended by the Board, their names did not feature.

Argument on behalf of the applicants is that due consideration was not done in filling up the model 100 point roster. As a result, these applicants though eligible, were not recommended by the Board. The High Court in WPST 99 of 2018 after setting aside the judgement of this Tribunal remanded it back with the request to decide the original application on its merits as early as possible subject to its

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convenience. In terms of such direction, the Division Bench of this Tribunal had heard the matter for some time.

Mr. B.N. Ray, learned counsel for the applicants submit that this matter may continued to be heard even by the only Single Bench available in this Tribunal. Since the applicants have been suffering for quite a long period, it would be for ends of justice if this matter is heard even by the Single Bench.

Responding on behalf of the state respondents, Mr. Banerjee, however, submits that not only this matter relates to appointment and involves various points of law but also for the fact that this matter was all along heard by a Bench comprising two Members (Judicial & Administrative). Therefore, only such a Division Bench is competent to hear this matter. Mr. Bhattacharjee, learned counsel for the Group-D Recruitment Board also supports the view expressed by Mr. Banerjee.

This Single Bench of this Tribunal is of the view that though the applicants in this application have been agitating since 2017, but today, this Tribunal functions with only one Single Administrative Member. Since this matter relates to appointment and where serious stakes for the applicants are involved, it would not serve the ends of justice if this matter, which was heard all along by a Bench of two members, is heard by a single member alone. Moreover, the sheer work load on this Single Bench Tribunal will not allow hearing this matter. Therefore, in view of above stated compulsions and for the ends of justice, it would be proper and fair if this matter is placed before and heard by a Bench comprising two Members (Judicial & Administrative).

Since in this application respondent no. 3, Group-D Recruitment Board does not exist anymore and its functions and responsibilities have now taken over by the W.B.S.S.C. as respondent

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No. 6., let notice be served to respondent no. 6.

Since the respondent no. 6 added, let the name of Respondent no. 3 be deleted from the array of respondents.

Let this matter be placed before such a Bench on **03.09.2024.**

**Liberty to mention.**

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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