

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 752 of 2022.

PUSPENDU SARDAR - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

07  
02.07.2024

For the Applicant : Mr. D.P. Dutta,  
Advocate.

For the State Respondents : Mr. R.K. Mondal,  
Advocate.

For the Public Service Commission, : Mr. S. Bhattacharjee,  
West Bengal 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

By filing this application, the applicant has prayed for a direction to the Respondent Authority to give him one more chance to appear for the interview for the post of Lecturer in Chemical Engineering in Government Polytechnics. The applicant has also prayed for setting aside the order no. 385 dated 21.10.2022 issued by the Public Service Commission.

In this two- fold prayers, the Tribunal has heard the submissions of the learned counsels appearing for both the sides. By a direction of this Tribunal in an earlier application, the Commission was directed to allow the applicant to participate in the selection process conducted through personal interview for the post as mentioned above. It is not in dispute that the applicant was called for interview and he participated on 16<sup>th</sup> September, 2022. By memo 385, the Deputy Secretary of the Commission had informed the applicant that he was not recommended for appointment. Submission of Mr. Dutta is that the applicant deserves another chance for the interview. He also feels that though the applicant had answered properly all the questions during the interview but appropriate marks were not given to him.

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In response to the prayer of the applicant and submission of Mr. Dutta, Mr. Bhattacharjee, learned counsel appearing on behalf of the Commission draws my attention to page 2 of the Commission's reply. In the reply the Commission's statement is that the applicant had scored only 40 (forty) marks in the interview test, whereas, one Arindam Das, being the last candidate belonging to the same category to which the applicant belongs (Scheduled Caste) had scored 51 (Fifty-one) marks in the interview. Thus, this applicant, having lesser marks than the last successful candidate in the same category the applicant belongs, was not found eligible to be recommended for such post.

Mr. Mondal, learned counsel appearing on behalf of the State Respondent has submitted that all the recommended candidates have joined their relevant posts.

Having heard the submissions of the learned counsels and on examination of the records presented by both the sides, it is clear to this Tribunal that only by a direction of this Tribunal earlier, the applicant was allowed to participate in the interview test. However, the interview marks obtained by the applicant was much lesser compared to the last successful candidate recommended by the Commission in the same category to which the applicant belongs. It is the responsibility of the Public Service Commission to examine and test the suitability of the candidates either through written or through interview or through both methods. This Tribunal has neither the domain expertise nor the determination to interfere into the selection process. Neither from the submissions nor from the records it is manifest that there was malpractice or prejudice against this applicant by the Commission. There has not been any allegation of procedural irregularities also.

Having observed the above point, the Tribunal has come to the conclusion that this application is devoid of any merit. Therefore, it is disposed of without passing any order.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

SkG/HS.

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