

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- 753 of 2023

Dr. Sk. Md. Sadique Anwar - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Md. M. Hossain,
Learned Advocate.

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08.08.2024.

For the State Respondents

Mr. G.P. Banerjee,
Learned Advocate.

For the P.S.C., W.B.

Mr. S. 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.

Mr. Hossain refers to the part of the advertisement which clearly indicates that the Commission will be at liberty to “*relax the qualifying marks if the reserved category vacancies remain unfulfilled owing to imposition of such qualifying marks*”. Submission is that out of the declared 158 vacancies so far, they have published the merit list of only 145 candidates, meaning thereby a total 13 posts under different categories are still lying vacant. It is hoped by the applicant, as indicated in the advertisement if the Commission relaxes the qualifying marks, then the applicant will have a fair chance to be selected for recommendation. In response to Mr. Hossain, Mr. Bhattacharjee, learned counsel appearing on behalf of P.S.C., W.B. agrees that out of 158 declared vacancies, only 145 vacancies have recommended, remaining 13 vacancies being vacant in different categories. However, the candidate himself belongs to OBC-A category and in this category 17 vacancies have already been recommended, thus no seat is lying vacant for such recommendation.

Having heard the submissions of the learned counsels and after examination of the facts as manifest in these documents, it is clear

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THE STATE OF WEST BENGAL & OTHERS.

to the Tribunal that both sides are in agreement that so far the category OBC-A is concerned, 17 vacancies have already been filled up leaving no vacancy at all to be recommended. Having observed the above position as narrated through their submissions and as per the records it is clear that the prayer in this application has no merit. It is also very clear to the satisfaction of the Tribunal that the applicant had scored only 40 marks whereas the last successful candidate in his category had scored 42 marks. Thus, it is clear that the applicant, as a candidate, not able to fulfil the cut off marks of 42, has no ground to pray before this Tribunal for a direction to the Commission to recommend his name. Thus, finding no merit the application is disposed of without passing any orders.

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

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