

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 784 of 2022

Saikat Saha & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. B. Banerjee, Ld. Advocate.
<u>05</u> 25.08.2023	For the State respondent	: Mr. G. P. Banerjee, Ld. Advocate.
	For the Public Service Commission, West Bengal	: Mr. S. Bhattacharjee, Ld. 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.

Affidavit of service filed be kept on record.

The applicants have prayed for a direction to set aside the entire recruitment process including the list of recommended candidates for recruitment process to the post of LDA / LDC conducted by the WBSSC and Public Service Commission, West Bengal.

Submitting on behalf of the applicants, Mr. B. Banerjee, learned counsel refers to page-193 onwards of this application and submits that one of the applicants, Saikat Saha ranking 263 in UR category and having 121.5 total marks has not been recommended for the post by the Commission. Whereas, several others ranking below him and with lower marks in the same category had been recommended. Mr. Banerjee thinks that there is nepotism and the Commission has, thus, deprived his applicants from natural justice and being recommended for the post. Mr. Banerjee further alleges that despite expiry of the panel of the recommended candidates, the Commission has recommended candidates as is evident from page-186 of the application.

In response to the allegations, Mr. G. P. Banerjee, learned counsel for the State respondents and Mr. S. Bhattacharjee, learned counsel appearing on behalf of the Commission submit, that first of all, this application is not

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admissible in this Tribunal due to the fact that the merit list was published way back in 2018, whereas this application has been filed in the year 2022 after a lapse of four years. Thus, it is barred by limitation. Mr. G. P. Banerjee further submits that all the recommended candidates have been issued appointment letters by the respondent department. He also refers to the prayer of the applicants in this application which is for setting aside the entire recruitment process. If this is the prayer of the applicants, Mr. Banerjee submits that in that case, all the recommended candidates of this recruitment process are necessary parties in this application and should have been added as Private Respondents. Mr. Banerjee submits that the prayer 'C' in this application is not maintainable and is beyond the determination of this Tribunal.

Submitting on behalf of the Commission, Mr. S. Bhattacharjee states that typing being a crucial assessment for the post of LDA / LDC was conducted by the Commission in which these applicants were not successful in the Typing Test. Having participated in the same Typing Test but not successful, these same applicants have now challenged the very Typing Test in this application. No objection or demur was expressed by these applicants at the time of Typing Test.

Heard the learned counsels for the parties.

Let the matter appear under the heading "**Admission Hearing**" on **01.12.2023.**

The point of admissibility of this application is kept open.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SM