

**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 790 of 2022.

GURUPROSAD BANERJEE AND ANOTHER - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

08  
08.01.2025

For the Applicants	: Mr. S.K. Mondal, Advocate.
For the State Respondents	: Mr. G.P. Banerjee, 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.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the Respondent authorities, particularly the Respondent no. 2 to issue letter of appointment in favour of the applicants.

Mr. Mondal submits that in terms of the direction of this Tribunal, the marks of the applicants were reviewed and additional marks added. With the enhanced marks, now they are within the zone of consideration. Submission is that a direction may be given to the Respondent authorities that, in view of such fact, the applicants may be given the appointment letters.

In response to what Mr. Mondal has submitted, Mr. Banerjee, learned counsel however differs and submits that it is a fact that few marks have been added in favour of the applicants after a direction of the Tribunal, but despite such addition, these applicants are nowhere within the zone of consideration. Thus, the fact that these applicants are not within the zone of consideration may be accepted and no such direction may be given.

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Attention has been drawn to the reasoned order dated 14.9.2022 signed by the Inspector General of Registration & Commissioner of Stamp Revenue. The concluding paras of this reasoned order states that a reassessment was done. After reassessment, three marks for Guruprosad Banerjee and ten marks for Sudipta Sarkar were added. After such reassessment and enhancement of the marks, Guruprosad Banerjee's total marks stood at 70.3692 and 73.8615 for Sudipta Sarkar. The reasoned order also elaborates that after such enhancement of the marks, Guruprosad was placed at merit list no. 13 and Sudipta Sarkar at merit list no. 11. But the last successful candidate- Mrs. Iti Banerjee, holding merit list no. 9 had scored more than the two applicants. Her total marks was 74.5923. It has been submitted by Mr. Banerjee that at the relevant point of time, only nine vacancies had existed and the ninth vacancy was filled up by Mrs. Iti Banerjee, who had scored higher than the two applicants. A copy of the merit list available in this application confirms to the submissions made by Mr. G.P.Banerjee and the facts narrated in the reasoned order.

Disputing the validity of such revised merit list, Mr. Mondal submits that one Sukanta Mukhedrjee appearing at serial no. 12, Kaushik Mandal at serial no. 14 and Dheneswar Bajpayee at serial no. 15 having lesser marks than the applicants are "working".

This Tribunal after proper examination of the documents does not find any evidence of such allegation. The Tribunal fails to be satisfied with Mr. Mondal's serious allegation on this front. Despite repeated requests to him, he is not able to show any written statement in this application stating such allegations. The statement he referred to in this application are not connected with the oral submission alleging that three of the candidates having lesser marks were issued appointment letters. Neither such allegation is presented in the application nor copies of appointment letters have been shown.

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Therefore, having heard the submissions of both sides, the Tribunal does not find any merit in this application. Hence, this application is disposed of.

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

Skg/SM.

WEST BENGAL ADMINISTRATIVE TRIBUNAL