

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 825 of 2019

**DHRUBAJYOTI GHOSHMAULIK & ANOTHER - VERSUS - THE STATE OF WEST BENGAL
& ORS.**

Serial No. and Date of order	For the Applicants	: Mr.K.Bhattacharya Mrs.S.Agarwal Ms.T.Bhattacharyya Advocates
<u>12</u> 03.03.2021		
	For the State respondents	: Mr.G.P.Banerjee Advocate
	For the Public Service Commission	: Mr.S.Bhattacharjee Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, Drubajyoti Ghoshmaulik and Sudipta Putatunda,- who had participated in the selection process for direct recruitment for the post of District Inspector of Schools/ Additional District Inspector of Schools (Secondary Education),- have prayed for several reliefs, the relevant portion of which is as under:

“ b) That the Clause-5 in the Information Slot of Advertisement No. 9/2018 of Public Service Commission being Annexure ‘A-3’ to the present application to the extent it directs exercise of discretion not to relax upper age limit, is contrary to the Statutory Rules framed under Article 309 of the Constitution of India relating to recruitment in the post of

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District Inspector / Additional District Inspector in respect of Sub-Inspector of Schools working in substantive post of School Education Department and the said condition in the advertisement is being contrary to the Statutory Rules is liable to be struck down and should be declared ultra vires to the Statutory Rules framed as above.

c) Declaring that the Notification dated 16.09.2019 being Annexure "A-9" of the application by which the candidature of the applicants found to be unsuitable on the ground of over age is bad in law and is liable to be set aside particularly when such over age is already relaxed as per the provisions contained in the Recruitment Rules for the post of District Inspector / Additional District Inspector of Schools in respect of Sub-Inspector of Schools working in substantive post of School Education Department, Government of West Bengal.

d) Direction to be given to the respondents to allow the applicants to participate in the interview to be conducted by the respondent No.2 in terms of Advertisement Notification No. 9(1) of 2018 published on 24.03.2018 for the post of District Inspector/Additional District Inspector, West Bengal School Education Department and not to deny the applicants benefit of such participation in the selection process from other qualified persons."

Mr.K.Bhattacharya, learned advocate for the applicants submits that though the applicants had participated in the selection process, however their

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results have been found unsuitable for being “over aged”. Submission is though by order dated 1st October, 2019, the respondents were directed to allow the applicants, who had succeeded in the written examination, to participate in the interview as per advertisement, however it was directed that the mark sheet and score sheet of the applicants shall be kept in a sealed cover and result shall not be declared without the leave of the Tribunal and will not create any equity in favour of the applicants and as due to the pendency of the application and continuation of the interim order, though they participated in the selection process their results have not been published. Submission is the panel may be directed to be published and if it is found that the applicants are in the zone of consideration for appointment they may be recommended for appointment by the Public Service Commission, West Bengal and be appointed by the State.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that since it has been submitted on behalf of the applicants that panel may be directed to be published which is pending since long, appropriate order may be passed.

Mr.S.Bhattacharjee, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that pursuant to the order dated 1st October, 2019, the Commission had allowed the two applicants to participate in the interview. However, recommendation could not be made due to the interim order passed which is continuing.

Heard learned advocates for the parties. In view of the submission made by the applicants as nothing remains to be adjudicated, the Public Service Commission, West Bengal is directed to publish the panel for the post of District Inspector of Schools and Additional District Inspector of Schools

ORDER SHEET

Form No.

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(Secondary Education) as per advertisement dated 24th March, 2018 within a week from the date of communication of this order downloaded from the Internet/ website. After the panel is published the Commission shall make recommendation of the successful candidates who have qualified and shall sent it to the State authorities and the State shall act on the basis of such recommendation immediately thereafter. The application is disposed of. Interim order passed, is vacated.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN

BLR