

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 853 OF 2021

SOUMEN JANA & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
08.02.2022

For the Applicants : Ms.Reshmi Ghosh
Ms.S.Mitra
Advocates

For the State respondents : None

For the Public Service Commission : Mr.Sourav Bhattacharjee
West Bengal Advocate

As prayed for by Ms.R.Ghosh, learned advocate for the applicant, leave granted to amend the cause title of the application with regard to the respondent no. 2 (2) in course of this day.

In this application, the applicants, who had appeared in the Clerkship Examination, 2019, conducted by the Public Service Commission, West Bengal, has prayed for several reliefs, the relevant portion of which is as under:-

“ a) Leave granted under Rule 4(5) of the West Bengal Administrative Tribunal (Procedure) Rule, 1994 to file a single application by more than one applicant having regard to the cause of action and nature of relief prayed for being the same;

b) An order quashing the entire process of selection for recruitment for the post of Lower Division Assistant or Lower Division Clerk of the declared vacancies and directing the respondents to commence the process of recruitment afresh maintaining transparency by publishing individual marks of the Part-I and Part-II (Group-A & Group-B) Examinations of all

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candidates and the result of the respective candidates with their names, roll numbers and breakup of marks;

c) An order directing the respondents to publish the OMR Sheet of the applicants with its marks of the Part-I Examination (Objective) and publish the answer scripts of the applicants in Part-II Examination [Descriptive – Group-A (English) + Group-B (Bengali)];”

The matter was taken up on 24th January, 2022. Thereafter, it had appeared under the heading “Admission Hearing” on 1st February, 2022 when after hearing the learned advocates for the parties, an order was passed, the relevant portion of which is as under:-

“Let the matter appear under the heading “Admission Hearing” on 8th February, 2022 to enable Mr.Bhattacharjee to take instruction regarding segregation of marks in Part-I and Part-II of the examination, Prima facie, since we find the advertisement was issued in 2019 and though it does not contain the number of vacancies, as the applicants had participated in the recruitment process and as it appears from the notice dated 30th September, 2021 that there are 7227 vacancies, the question regarding number of vacancies cannot be raised at this stage. The question of maintainability of the application raised by Mr.Bhattacharjee, regarding seeking leave to file single application, is kept open.”

Ms.R.Ghosh, learned advocate for the applicant submits that since the transparency of the selection process was not maintained as the Commission has neither published individual marks of Part- I and Part-II of Group-A and B Examination nor has published the break-up of marks and as the Commission is yet to publish the OMR sheet of the applicant with its marks of Part-I

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Examination (Objective type) and the Commission is yet to furnish the answer scripts of the applicants in the Part-II Examination (Descriptive) Group-A (English) and Group-B (Bengali), appropriate order, as prayed for, may be passed. In support of her application, she has referred to paragraph 6 sub paragraphs (xxxi) to (xxxiv) of the application. Further though Soumen Jana, the applicant no.1 has filed an application under section 6 of the Right To Information Act, 2005 for obtaining certain information on 11th November, 2021, however, till date, it remains unanswered.

Mr.S.Bhattacharjee, learned advocate appearing on behalf of the Commission submits on instruction that, if directed, his client will publish the break-up of marks obtained by the candidates including the applicants appearing in Part-I and Part-II (Group-A and Group-B) Examination. So far as the publication of OMR sheet is concerned, referring to Annexure- 'E', it is submitted that by notice dated 5th February, 2020, the OMR sheet of the Part-I Examination has been published. Referring to Annexure-I to the application, it is submitted that since the Part-II Examination was descriptive in nature and it was different from Part-I (Objective) Examination, key answers cannot be given. So far as the application under Right to Information Act, 2005 is concerned, it is submitted as there is an alternative remedy in 2005 Act, the applicant is at liberty to apply before the said forum, if aggrieved.

Heard the learned advocates for the parties. Since, Mr.Bhattacharjee, on instruction from the Commission submits that the Commission is prepared to publish the individual break-up of marks of Part-I and Part-II of the Clerkship Examination of 2019, the Secretary of the Public Service Commission, West Bengal, the respondent no. 2(2) is directed to publish individual marks of the respective candidates with break-up of marks of all candidates within a fortnight from the date of communication of this order downloaded from the website of the Tribunal. So far as the publication of OMR sheet is concerned,

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since we find from Annexure-E to the application that answer key of Part-I Examination was published by notice dated 5th February, 2020, no order is passed regarding the same. So far as the key answers to Part-II Examination is concerned, since we find that the answers being descriptive in nature, the prayer of the applicants for publication of model answers cannot be entertained. With regard to the application under section 6 of the Right To Information Act, 2005, filed on 11th November, 2021 by the applicant no.1 is concerned we are of the view since section 19 of the said Act there is a provision for appeal, no order is passed regarding the said prayer. Therefore, in view of the directions and findings hereinbefore, no further order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR