

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 870 OF 2018**

MIHIR KANTI BISWAS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

20
25.01.2024

For the Applicants : Mr.T.D.Ray
Advocate

For the State Respondents : Mr.Goutam Pathak Banerjee
Advocate

For the West Bengal Group-
D Recruitment Board : Mr.Manujendra Narayan Roy
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.

At the very outset, Mr.M.N.Roy, learned counsel appearing for the West Bengal Group-D Recruitment Board submits that the respondent No. 2, West Bengal Group-D Recruitment Board does not exist anymore and its functions and responsibilities have been given to the Staff Selection Commission.

In view of this, the applicant is directed to amend the cause title by replacing Respondent No. 2 with the Staff Selection Commission.

During the hearing, Mr.T.D.Ray referred to page 23 of this application being the result of Group-D Recruitment, in which the letters "NA" has appeared against the name of the applicant. By the letters "NA", Mr.T.D.Ray assumes that though in earlier documents, the candidate was accepted as a SC candidate, but in the final result by showing NA, the Recruitment Board ignored the status of the

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candidature and thus, he was not recommended for selection to a post of Group-D.

In response, Mr.M.N.Roy, however, suggests that the two letters “NA” against his category have appeared due to the fact that the applicant could not qualify in the recruitment examination. Such statement is already evident by the sentence which appears below the letters “NA”. The sentence is “you have not qualified in the W.B. Gr D recruitment Examination 2017”. Submission is since the applicant did not qualify in the Examination, therefore, the Board only remarked NA against his category. This does not mean that the Board was at fault or ignored the validity of his SC certificate.

From the above narration, it is clear that a reply from the Staff Selection commission, respondent No. 4 is necessary.

Let such reply be filed by the next date and rejoinder, if any, in the meantime. Let the matter appear under the heading ‘Hearing’ on 10th July, 2024.

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

BLR