

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 870 of 2018

Shri Mihir Kanti Biswas -- VERSUS – The State of West Bengal & Others

Serial No. and Date of order	For the Applicant	: Mr. Tirthankar Roy, Advocate.
<u>25</u> 13.12.2024	For the State Respondents (Labour Department)	: Mr. Goutam Pathak Banerjee, Advocate.
	For the Staff Selection Commission, West Bengal.	: 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.

This application is filed by Mihir Kanti Biswas, who had not qualified in the West Bengal Group -'D' Recruitment Examination, 2017. Attention of the Tribunal is drawn to pages 15 which appears to be the applicant's Scheduled Caste certificate page 20 which appears to be an Admit Card for appearing in the interview and page 21 appears to be the Admit Card for the written examination for the post of Group -'D' in which also under the category, he has filled up "SC" as shown against his name.

Mr. T. Das Ray, learned counsel had submitted that despite belonging to the SC category and also despite being shown as SC in other documents, however, in the document mentioned at page 23, which appears to be the final result, his category as "SC" has not been shown, rather "NA" has been recorded against his selected category. In view of such glaring error, Mr. Ray assumes that if his category was shown as SC and if considered as Scheduled Caste candidate, the applicant would have qualified.

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

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accepted as a SC candidate, but in the final result by showing NA, the Recruitment Board ignored the status of the 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 examination of the documents and in particular, the result conveyed to the candidate appearing at page No. 23, it has become clear that the candidate was not selected in the recruitment examination 2017 for the post of Group -'D'. The sentence appearing below his name is "You have not qualified in the W. B. Gr D recruitment Examination 2017".

From the submissions of the learned counsels and the records in this application, the Tribunal is of the clear and unambiguous view that the applicant was not successful in the recruitment process in the post of Group -'D'. The primary document which is the result of the examination uploaded in Board website shows very clearly that the applicant did not qualify during the recruitment examination. The repeated argument by the learned counsel for the applicant that the two letters "NA" may mean his social category being a Scheduled Caste wrongly mentioned, is not at all an acceptable point. The Tribunal cannot accept that two letters "NA" against the name of the applicant may have anything to do with the outcome of the examination, in which he did not succeed. What is more relevant is the fact that the applicant had participated and was not successful. By linking it with the "NA" remark against his name has no relevance in this matter. The

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applicant's side conveniently ignored the sentence appearing below the "NA" and typed in bold letters "*You have not qualified in the W.B.Gr D recruitment Examination 2017*".

The prayer in this application has no merit and is, thus, disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.