

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 98 OF 2021

HASHIBUL ALAM - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Arka Maity, Advocate
<u>02</u> 10.02.2021	For the Respondents	: Mr. G.P. Banerjee, Advocate
	For the P.S.C., West Bengal	: Mr. S. Bhattacharya, 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.

The matter has appeared in the Supplementary Cause List.

Let affidavit of service as well as copies of the application re-affirmed with correct cause title filed by Mr. A.K. Maity, learned advocate for the applicant, be kept on record.

As prayed for on behalf of the applicant leave granted to make necessary correction in the cause title with regard to the respondent no.2.

It is submitted that though the applicant, Master of Science in Electronics from West Bengal State University as well as Master of Technology in Electronics and Communication Engineering from West Bengal University of Technology, could not file necessary papers regarding qualification by 10th August, 2020 in terms of notice dated 3rd August, 2020, the Public Service Commission, West Bengal, the respondent no.2 has turned down his prayer for participating in the interview. Submission is that as at the relevant point of time the applicant was in his native place which was not having internet connection, he could not respond to the same. Submission is since the last date of interview is 11th February, 2021 and as the applicant is having the requisite qualification, appropriate interim order may be passed directing the respondents to allow him to

ORDER SHEET

Form No.

HASHIBUL ALAM

Vs.

THE STATE OF WEST BENGAL & ORS.

Case No. **OA 98 OF 2021**

participate in the selection process.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State authority submits that since the applicant has not been able to demonstrate that he could not get access to the internet for filing the clarification pursuant to the notice dated 3rd August, 2020, no order may be passed.

Mr. S. Bhattacharya, learned advocate for the Public Service Commission, West Bengal submits that since the notice dated 3rd August, 2020 stipulates that the last date for filing clarification was 10th August, 2020, and as it was clearly advertised that all information regarding appointment will be available in the website of the Commission, of which the applicant was aware of, and as the applicant has not been able to satisfy the Tribunal that he could not access the internet, no order may be passed.

Heard learned advocates for the parties. Since the last date of interview is 11th February, 2021, considering the balance of convenience and inconvenience, let there be an interim order directing the Public Service Commission, West Bengal, its Secretary and its Chairman, the respondent nos. 2 and 3 respectively, to allow the applicant to participate in the selection process to be held on 11th February, 2021 or on any other date as may be fixed. After the interview the result of the applicant will be kept in a sealed cover and shall not be published without leave of the Tribunal. This order is passed without prejudice to the rights and contentions of the parties and subject to the further order that may be passed and subject to the satisfaction of the Tribunal that the applicant did not get access through the internet. It is further made clear that this order will not create any equity in favour of the applicant.

SCN.

Let reply be filed by 21st April, 2021. Rejoinder, if any, by 5th May, 2021. Let the matter appear under the heading "Reply, Rejoinder and Objection" on 12th May, 2021.

(SOUMITRA PAL)
CHAIRMAN