

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – MA – 101 of 2018 along with OA 563 OF 2015

TAPAS KUMAR BANIK Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">3</p> <hr/> <p>19.09.2018</p>	<p>For the Applicant :      Mr. S.N. Ray    Mrs. P. Chatterjee    Advocate</p> <p>For the State Respondents:      Mr. S. Ghosh    Advocate</p> <p style="text-align: center;">This miscellaneous application being M.A. 101 / 2018 is taken up for hearing along with O.A. 563 of 2015 which is also appearing in the list under the heading “Hearing”. It is submitted by Mr. S.N. Ray, learned advocate for the applicant appearing along with Mrs. P. Chatterjee, learned advocate that since it is evident from the reply filed on behalf of the respondents that the panel published needed to be rectified which was ultimately approved by the Directorate, the panel needs to be rechecked.</p> <p style="text-align: center;">Mr. S. Ghosh, learned advocate on behalf of the respondents submits that the applicant belongs to the General Category. The first empanelled candidate Manas Sengupta secured first position by obtaining 46.5 marks. The second empanelled candidate, Mintu Dey secured second position by obtaining 42.5 marks and the present</p>	

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SCN.	<p>applicant, Tapas Kumar Banik secured third position by obtaining 41 marks, which was approved by the Directorate vide memo dated 16<sup>th</sup> June, 2014 which was the subject matter in O.A. No. 1540 of 2012 (Manas Sengupta &amp; Anr. vs. The State of West Bengal &amp; Ors.) as stated in the reply. Since the panel for the General Category was validly prepared and the applicant was placed in third position and the issue was finally decided in O.A. 1540 of 2012 on 3<sup>rd</sup> January, 2014, the same cannot be reopened at this belated stage. Moreover, this application cannot be used as an application for recalling the order passed in O.A. 1540 of 2012.</p> <p>Heard learned advocates for the parties. Admittedly, the applicant stood third in the panel which was approved by the Directorate by memo dated 16<sup>th</sup> June, 2014. Therefore, the selection procedure cannot be reopened at this stage. Hence no order can be passed on this application. The original application is disposed of.</p> <p>Since nothing remains to be decided in the Miscellaneous Application, the Miscellaneous Application No. 101 of 2018 is also disposed of.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	