

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

**Case No – MA-1 of 2018 Arising out of OA-940-17
RANA PRATAP SINGH 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

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RANA PRATAP SINGH

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **MA -1 of 2018 (Arising out of OA-940 of 2017)**

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<p style="text-align: center;"><u>03</u> 28.02.18</p>	<p>For the Applicant : Mr.G.P.Banerjee (State Respondent in OA) Mrs.S.Agarwal Learned Advocates</p> <p>For the Respondent : Mr.M.N.Roy (Applicant in OA) Mr.G.Halder Learned Advocates</p> <p>For the Public Service Commission : Mr.A.L.Basu Learned Advocate</p> <p>The Respondent No. 1 & 2 of the original application have filed this miscellaneous application praying for modification of the interim order passed by this Tribunal on October 12, 2017 in connection with OA-940 of 2017.</p> <p>It is relevant to quote the interim order passed by the Tribunal on October 12, 2017 which is as follows:</p> <p style="padding-left: 40px;">“Accordingly there will be an interim order in terms of prayer 11 (i) as prayed for”.</p> <p>The prayer contained in paragraph 11 (i) of the original application is as follows:</p>	

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	<p>“ 11 (i) An order of injunction restraining the concerned respondents from giving appointment to the candidates recommended for the appointment to Group-A and Group-C services and Posts of West Bengal Civil Services Examinations, 2016. Such order of injunction is necessary in as much as the respondents may give appointments without taking necessary corrective actions in view of the irregularities and illegalities in the recruitment process with a view to deprive the applicant of his legitimate rights. It is just and convenient that the order of injunction be issued in the interest of justice. Such order is necessary. Unless the order prayed for herein is made, the present application is likely to become infructuous”.</p> <p>By virtue of the interim order passed by the Tribunal, the Respondent No. 1 & 2 are not in a position to give appointment to the successful candidates whose names have been recommended by Public Service Commission. Mr.G.P.Banerjee, Learned Counsel for the Respondent No. 1 & 2 submits that the applicant can be appointed only in one post of Group-A services or in one post of Group-C services if the applicant is found to be</p>	

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	<p>successful, whereas the State Respondents have been debarred from giving appointment to all successful candidates whose names have been recommended by Public Service Commission. According to Mr.Banerjee, the State Respondents have been highly prejudiced by the interim order passed by the Tribunal. Mr.A.L.Basu, Learned Counsel representing the Respondent - Public Service Commission submits that the Public Service Commission has recommended names of 66 candidates for appointment to Group-A services. He further submits that the names of the candidates for appointment to Goup-C posts have not been recommended as the same is still under process. The breakup of 66 candidates, whose names have been recommended by the Public Service Commission, is as follows: 36 General Category, 5 OBC-A, 5 OBC-B, 17 SC and 3 ST. According to Mr.Basu, the successful candidates have been debarred from getting appointment in Group-A posts due to the interim order passed by the Tribunal.</p> <p>Mr.Roy, Learned Counsel representing the applicant of the original application submits that there was no transparency in evaluation of answer scripts of the examination conducted by Public Service</p>	

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	<p>Commission and as such the interim order passed by the Tribunal is justified and the said interim order should not be modified.</p> <p>Having heard Learned Counsel representing the respective parties and on consideration of the fact that 66 successful candidates whose names have been recommended by Public Service Commission for appointment to Group-A posts of the Government of West Bengal, we are of view that the interim order restraining the State Respondents from giving appointment to the successful candidates has definitely caused prejudice not only to the State Respondents, but also to the successful candidates, who have not been impleaded as respondents in the original application. Since the applicant cannot be permitted to make allegation in connection with other candidates who appeared in West Bengal Civil Services Examination of 2016, we are inclined to modify the interim order in such a way that one post in Group-A services in general category and one post in Group-C services in general category under Government of West Bengal may be kept vacant till final decision of the original application by the Tribunal.</p>	

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BLR	<p>In view of our above findings, the State respondents are directed by the interim order to keep one post in Group-A services in general category and one post in Group-C services in general category under Government of West Bengal vacant till the final decision of the original application. The interim order passed by the Tribunal on October 12, 2017 is modified to the above extent. Miscellaneous application No. 1 of 2018 is, thus, disposed of.</p> <p>Let a plain copy of this order be supplied to Learned Counsel representing the respective parties.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER(A) </p> <p style="text-align: center;"> (R.K.BAG) MEMBER (J) </p>	

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