ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

Hon'ble Justice Soumitra Pal, Hon'ble Mr. P. Ramesh Kumar, Hon'ble Chairman & Administrative Member.

Case No. OA 105 of 2016.

SUJOY DEY SARKAR & ANOTHER - VERSUS- THE STATE OF W.B. & OTHERS.

Serial No. and	Order of the Tribunal with signature	Office action with date
Date of order.	2	and dated signature
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7	For the Applicants . Mr. A.K. Niversi	
19.12.2019.	For the Applicants : Mr. A.K. Niyogi, Advocate.	
	Auvocate.	
	For the State Respondent : Mr. A. Datta,	
	Departmental representative.	
	In this application SujoyDey Sarkar and	
	Subrata Das, the applicants have prayed for a direction	
	upon the State respondents to consider their case for	
	appointment to the post of LDC for the selection process	
	of 2007. After the matter was admitted, directions were	
	issued to file reply and rejoinder. Reply and rejoinder	
	have been filed and are on record.	
	Mr. A.K. Niyogi, learned advocate	
	appearing on behalf of the applicants submits that since	
	the stipulations in the order dated 2 nd July, 2010 issued	
	by the Principal Secretary to the Government of West	
	Bengal, Finance Department, particularly paragraphs 3,4	
	and 11, have not been complied with during the selection	
	process, appropriate order may be passed.	
	Mr. A. Datta, the departmental	
	representative, appearing on behalf of the Land and Land	
	Reforms Department referring to the reply submits that	
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Office action with date

3

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Vs.

THE STATE OF W.B. & ORS.

Serial No. and Order of the Tribunal with signature and dated signature Date of order. 2 of parties when necessary 1 45% since the applicants had secured and 48% respectively and the last successful candidate secured 61% marks, the applicants were not selected. Heard learned advocates for the parties. In order to adjudicate the matter, the relevant portion of paragraphs 3(c) and (d) of the reply, submitted by the State respondents, is set out hereunder :-"....C. The applicants took part in that written examination held on 03.06.2007 as a candidate from Dakshin Dinajpur district. But his name did not feature in the list of the successful candidates as they secured 45% & 48% marks, respectively, whereas the last successful candidate secured 61% marks. The names of the successful candidates were published in two widely circulated daily news papers on 12th July, 2007, namely Ajkal and Ganashakti. D. Being unsuccessful, he was not offered any job under Government of West Bengal....". The said paragraphs in the reply have been dealt with in paragraph 7 and 8 of the rejoinder, which is as under :-"....7. With regard o the statements made in sub-paragraph no. (c) of paragraph no. 3 of the

Form No.

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Office action with date Serial No. and Order of the Tribunal with signature and dated signature Date of order. 2 of parties when necessary 1 3 said reply it is stated that the respondents did not publish the result and in this paragraph the respondents stated that the alleged result was published at Ajkal & Gansakti even though those two dailies are not widely circulated newspapers. 8. With regard to the statements made in sub paragraph no. (D) paragraph no. 3 of the said reply it is stated that since the result of the competitive examination was not published it cannot be said that the applicants were unsuccessful....". Evidently the result was published in two daily newspapers and the applicants secured 45% and 48% marks respectively and the last successful candidate secured 61% marks. The applicants have not denied these facts in paragraphs 7 and 8 of the rejoinder. Therefore, no order is passed on the application. The application is dismissed. (P. Ramesh Kumar) (Soumitra Pal) Member (A) Chairman. Skg.

Form No.

Case No. OA 105 of 2016.