

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA-1060 of 2014**

Anisur Ali

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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19/12/2018

For the Applicant : *Mrs. S. Mukherjee,*
Ld. Advocate.
For the State Respondent : *Mr. R.K. Mondal,*
Ld. Advocate.

The applicant has prayed for direction upon the respondents to grant him appointment in Group 'D' post after quashing of the corrigendum notice dated July 31, 2010 published in the Anandabazar Patrika.

It appears from the materials on record that the Directorate of Irrigation and Waterways, Government of West Bengal made a drive for filling up 1,446 vacancies in Group 'D' category of post under different circles of the Department of Irrigation and Waterways, Government of West Bengal. The Irrigation and Waterways Department, Government of West Bengal had formed 12 (twelve) different sub-committees for filling up vacancies of Group 'D' post. The Sub-committee no. 01 was formed under Chairmanship of Superintending Engineer, Eastern Circle. The said Superintending Engineer, Eastern Circle invited sponsorship from Employment Exchange for exempted category of candidates by mistake along with sponsorship from non-exempted category of candidates from the Employment Exchange. On closure of screening process by interview, the combined merit list of the candidates was prepared on the basis of the marks obtained by the respective candidates. The panel for

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	<p><i>recruitment to Group 'D' post was prepared as per 100-Point Roster in terms of Circular No. 240-EMP dated August 02, 2001 issued by the Labour Department, Government of West Bengal, and only 271 candidates were selected for filling up the vacancies in the Eastern Circle under the Department of Irrigation and Waterways. The list of selected candidates was published in the Daily Newspaper on July 24, 2010 and subsequent modification in this regard was published in the Daily Newspaper on July 31, 2010. The State Respondents have clarified in Paragraph 6 of the reply that the name of the applicant Anisur Ali was listed against Serial No. 191 in the combined Merit List, but the category was erroneously typed as "Scheduled Caste" instead of "General Category" and accordingly his Roll No. A549 was erroneously published in the Merit List in the Daily Newspaper on July 24, 2010. This mistake was identified after scrutiny of the Select List and the same was replaced by the eligible Scheduled Caste candidate bearing Roll No. B134 whose Serial No. was 281 in the Combined Merit List published by way of corrigendum in the Daily Newspaper dated July 31, 2010.</i></p> <p><i>With regard to the grievance of the applicant for not getting appointment even as General Category candidate, the Status Report submitted by the Executive Engineer and the Technical Assistant to the Superintending Engineer, Eastern Circle, Irrigation and Waterways</i></p>	

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	<p><i>Directorate on May 05, 2007 indicates that the applicant Anisur Ali obtained 82 marks and the last select candidate in the General category A.K. Das having Roll No. CB906 also got 82 marks. The applicant was eliminated on the basis of seniority in respect of Date of Birth, as the Date of Birth of A.K. Das was July 14, 1965, whereas the Date of Birth of the applicant Anisur Ali was June 22, 1969.</i></p> <p><i>Learned Counsel representing the applicant has tried to impress upon the Bench that the applicant Anisur Ali should have been appointed on Group 'D' post as exempted category candidate. In this regard, we specifically asked the state respondents to submit additional reply supported by an Affidavit of the Respondent No. 2, the Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Directorate. The additional reply submitted by the Respondent No. 2 on November 12, 2018 indicates that the Superintending Engineer, Eastern Circle invited sponsorship in the exempted category of candidates from the Employment Exchange for his circle by mistake and against which the Employment Exchange sponsored 1245 candidates in connection with the recruitment process initiated in the year 2006 for filling up Group 'D' posts. The additional reply by the Respondent No. 2 has categorically pointed out in Paragraph 2 that vacancies of Group 'D' posts were meant for non-exempted category of candidates in terms</i></p>	

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	<p><i>of order of the Irrigation and Waterways Department vide No. 1114-1E/1E/1E-2E-05/2005 dated July 07, 2009 and as such no candidate from exempted category was appointed in the Group 'D' post in the selection process initiated in the year 2006. In view of our above observation, we do not find any merit in the submission made on behalf of the applicant that he should have been appointed in Group 'D' post as an exempted category candidate.</i></p> <p><i>Since the applicant was not selected on merit for appointment to the post of Group 'D' under Directorate of Irrigation and Waterways, Government of West Bengal inspite of participating in the selection process initiated in the year 2006, the applicant is not entitled to get the benefit of the direction given by the Hon'ble Supreme Court of India in the case of "Buddhadeb Ruidas & Ors. v. State of West Bengal & Ors." (CIVIL APPEAL No. 6748-6749 of 2013 arising out of SLP (C) No. 6177-6178 of 2012 being disposed of on August 13, 2013). In view of our above findings, we cannot persuade ourselves to grant any relief to the applicant in the present application. As a result, the original application is dismissed.</i></p> <p><i>Let a Plain Copy of the order be supplied to both parties.</i></p>	
Csm	<p>S. K. DAS MEMBER(A)</p>	<p>R. K. BAG MEMBER(J)</p>

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