

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

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

CASE NO. OA 108 of 2020.

SHRI KAILASH PATI MONDAL – Vs- THE STATE OF WEST BENGAL AND OTHERS.

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>1 14.2.2020.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate.</p> <p>For the State Respondent : None.</p> <p>Mr. G.P. Banerjee, learned advocate for the applicant had mentioned the matter before rising of the Court at 1-30 P.M. pleading urgency. Since this application, being OA 108 of 2020, was filed, we had directed the Registry to publish a supplementary list and notice indicating that the matter will be taken up today at 2-30 P.M.. Accordingly notice and supplementary list have been published indicating the matter is appearing under the heading “New Application” and will be taken up at 2-30 P.M.</p> <p>Considering the urgency the matter is taken up for hearing.</p> <p>In this application Kailash Pati Mondal, the applicant has prayed for certain orders, the relevant portion of which is as under :-</p> <p><i>“.....(a) A mandatory direction do issue upon the concerned respondent authorities to forthwith allow the applicant to appear before the Personality Test in regard to the West Bengal Forest Service and West</i></p>	

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	<p><i>Bengal Sub-Ordinate Forest Service Examination, 2018 so conducted by the Public Service Commission, West Bengal in terms of the advertisement No. 14/2018, last date of which is fixed on 14.02.2020, in consideration of the representation of the applicant dated 13.01.2020 made before the authority concerned, being annexure – ‘B’ herein and to command them to act strictly in accordance with law...”.</i></p> <p>It is submitted by Mr.G.P. Banerjee, learned advocate for the applicant, referring to the qualifications mentioned in the advertisement, being annexure ‘B’ to the application, that as the applicant fulfils the criteria, he should have been allowed to participate in the interview, which is being held today. Since he had appeared in the written examination and after successful completion of the same was called for personality test on 13th January, 2020, the action of the Public Service Commission, West Bengal in not allowing him to participate in the interview for not having the requisite qualifications in the Bachelors degree is illegal. Submission is considering the urgency, as today is the last date for personality test for the post of West Bengal</p>	

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	<p>Forest Service and West Bengal Subordinate Forest Service Examination, 2018 being conducted by the Commission, appropriate interim order may be passed allowing the applicant to participate in the selection process.</p> <p style="text-align: center;">Heard Mr. Banerjee.</p> <p>The matter is taken up pursuant to the provisions contained in the proviso to Section 24 of the Administrative Tribunals Act, 1981. Since we find that the applicant had stated that he has requisite qualification as evident from the Bachelor Degree and he succeeded in the written examination and was called in the personality test and later it was declined on the ground that he is not having the requisite qualification, we are of the view a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order directing the Public Service Commission, West Bengal and its Secretary – respondent nos. 2 and 3 to allow the applicant to participate in the interview , which is being held today commencing at 2-30 P.M., or on a later date as may be decided by the Commission without prejudice rights and contentions of the parties and subject to</p>	

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Skg.	<p>further order that may be passed. After the interview, the mark sheet and answer script of the applicant shall be kept in a sealed cover and the result of the applicant shall not be published without the leave of the Tribunal. It is made clear that this order will not create equity in favour of the applicant.</p> <p>Let a copy of this order along with the copy of the application be served on the Respondent nos. 2 and 3 before appearing in the personality test.</p> <p>Let the matter appear under the heading "Admission Hearing" on 19th February, 2020.</p> <p>Let a plain copy of the order be furnished to the learned advocate for the applicant.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	