

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

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

Case No – OA 1088 OF 2017

KOUSHIK CHATTERJEE + 105 OTHERS 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><u>01</u> 13.04.2018</p>	<p><i>For the Applicants : Mr. E. Bari, Mrs. S. Mitra, Learned Advocates.</i></p> <p><i>For the Respondent : Mr. G.P. Banerjee, No. 1 Learned Advocate.</i></p> <p><i>For P.S.C., W.B. : Mr. A.L. Basu, Mr. S. Bhattacharya, Learned Advocates.</i></p> <p><i>The original application is admitted for hearing. The applicants participated in the selection process conducted by Public Service Commission, West Bengal to fill up the posts of Junior Engineers in West Bengal Sub-ordinate Services of Engineers under the various Departments, Directorates and other offices and establishments of Government of West Bengal in the year 2016. The applicants claim to have been included in the merit list prepared by the Public Service Commission on the basis of examination of 2016. The number of vacancies were not notified in the advertisement, but the number of vacancies were reported on December 26, 2016. On the basis of the report of the vacancies declared on December 26, 2016, the Public Service Commission recommended the names for filling up the posts.</i></p>	

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	<p><i>Mr. Bari, Learned Counsel representing the applicants contends that the vacancy reported to PSC after December 26, 2016 have not been considered for recommending the names of the applicants who are still in the list prepared by P.S.C. The further contention of Mr. Bari is that the present panel should remain valid until further order of the Tribunal.</i></p> <p><i>Mr. Banerjee, Learned Counsel representing the state respondents has referred to information supplied under the provisions of RTI Act, 2005 on September 11, 2017 (page 17 to the original application) and submitted that the merit list would valid till December 07, 2017. He further submits that it is the policy of the State to decide how many vacancies will be filled up and the Tribunal can never give direction to the state respondents either to fill up the vacancies or to keep the panel alive for indefinite period.</i></p> <p><i>Mr. Basu, Learned Counsel representing the Public Service Commission, West Bengal has referred to letter dated April 04, 2017 (page 76 to the original application), and submitted that 25 vacancies reported under the said letter will be filled up on the basis of recruitment examination of 2017 and the said vacancies have no connection with the examination held in the year 2016.</i></p>	

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	<p><i>Having heard Learned Counsels representing the respective parties and on consideration of the facts of the present case, we find that 1387 vacancies reported to the Public Service Commission on December 26, 2016 have already been filled up. The information is already supplied to one of the applicants under provisions of RTI Act, 2005 on September 11, 2017 that the present merit list prepared on the basis of examination of the year 2016 will remain valid till December 07, 2017. The vacancies which have been reported subsequent to December 26, 2016 can by no stretch of imagination be filled up by the candidates whose names appear in the merit list on the basis of Examination of the year 2016. We are unable to accept the contention made on behalf of the applicants that the present merit list can remain valid until further order of the Tribunal. Nor can we persuade ourselves to hold that the vacancies reported after December 26, 2017 can be filled up by the candidates whose names appear in the merit list on the basis of Examination of the year 2016.</i></p> <p><i>In view of our above findings, we are not in a position to pass any interim order as prayed by the applicants. The interim order is, thus, refused.</i></p> <p><i>The respondents are directed to file reply within a period of 4 (four) weeks and rejoinder, if any, may be filed</i></p>	

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H.S.	<p><i>by the applicant within a period of 2 (two) weeks thereafter.</i></p> <p><i>List the matter under the heading 'Reply/rejoinder' on 19.06.2018.</i></p> <p><i>Let a plain copy of this order be supplied to both parties.</i></p> <p>(S.K.DAS) Member (A)</p> <p>(R.K.BAG) Member (J)</p>	

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