

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 179 of 2015.

SUJIT KUMAR MONDAL – VS- THE STATE OF WEST BENGAL & ORS.

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<p>15</p> <hr/> <p>15.11.2018.</p>	<p>For the Applicant : Mr. B.R.Neogi, Mr. A.K. Ganguly, Mr. A.K. Sinha, Advocates.</p> <p>For the PSCWB : Mr. A.L. Basu, Advocate.</p> <p>In this application the applicant, belonging to the physically handicapped category, pursuant to a notification for holding the West Bengal Audit and Service (Special Recruitment Examination) 2013 had appeared in the selection process. The grievance is though in the advertisement it was specifically stated that “.....the names of the candidates called to Personality Test and those recommended for appointment will be published provisionally subject to determination of eligibility of the candidates in all respects.....”, however five candidates belonging to physically handicapped category, whose names did not appear in the list were called for the personality test, which was beyond the powers of the Public Service Commission, West Bengal. Accordingly the applicant has sought for a direction upon the respondents to allow him to appear in the interview.</p> <p>It is submitted by Mr. B.R. Neogi, learned</p>	

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	<p>advocate for the applicant that since the terms in the advertisement were bypassed, the entire selection process relating to the physically handicapped category may be quashed. In this regard, our attention has been drawn to the said advertisement wherein it has been specifically stipulated that there were eight vacancies in the physically handicapped category. Submission is when there is a specific categorisation, the Commission should have published a separate list of the candidates called for personally test in the physically handicapped category.</p> <p>Mr. A.L. Basu, learned advocate for the PSCWB submits that though a separate list of the candidates belonging to physically handicapped candidates was not published, however it is evident from the annexure to the original application that the roll number of the five physically handicapped candidates had appeared in the list and they were called for interview. Relying on the additional reply filed it is submitted that the applicant, who was a physically handicapped candidate, had scored 82.44 in paper-I and 30.12 in paper-II, totalling 112.56 marks, which fell short</p>	

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	<p>of the qualifying marks which was 132 for the general (physically handicapped) candidates. Accordingly, the applicant was not called for interview. Moreover since the applicant had appeared in the selection process, in view of the principles of law laid down in the judgement of Ashok Kumar –V- State of Bihar (2017) 4 SCC 357, the applicant, after participating in the selection process, being unsuccessful cannot challenge the selection process.</p> <p>Heard learned advocates for the parties. We find that roll numbers of the five physically handicapped candidates had appeared in the list for personality test as evident from pages 24 to 26 of the original application. As evident from the additional reply the applicant having secured 112.56 failed to secure the qualifying marks of 132 for being selected. Thus his roll number did not figure in the list.</p> <p>Moreover, in view of the principles of law laid down in Ashok Kumar (supra), being unsuccessful in the recruitment process the applicant cannot turn back</p>	

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Skg.	<p>and challenge the recruitment process. Therefore, the application is dismissed.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	