

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.****Case No –O.A.-204 of 2020.****Shri Anujit Lala and 07 Others. –Vs- The State of West Bengal & 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 style="text-align: center;"><u>1</u> 27.5.2020.</p>	<p><b>For the Applicants : Mr. G. P. Banerjee, Advocate.</b></p> <p><b>For the State Respondents : Mr. B. P. Roy, Advocate.</b></p> <p>Since at the outset, it is submitted by Mr. G. P. Banerjee, learned advocate for the applicants, that all the respondents have been served with the copies of the application, the applicants are directed to affirm and file affidavit of service on the next date of hearing.</p> <p>As prayed for, leave granted to Mr. Banerjee, to correct the typographical error so far as it relates to the name of the applicant no. 5.</p> <p>In this application, the applicants stated to have been engaged as Software Personnel in the e-Governance Project or as Computer Operators on temporary and / or on contractual basis under the Food and Supplies Department, Government of West Bengal and stated to have performed their duties uninterruptedly, have challenged on several grounds the result of the Screening Test of the temporary computer operators held on 22<sup>nd</sup> November, 2019, in which they had participated, pursuant to the notification dated 5<sup>th</sup> November, 2019 as well as the</p>	

**ORDER SHEET**Shri Anujit Lala and 07 Others.  
.....**Vs.**The State of West Bengal & Ors.  
.....

Form No.

Case No. O.A.-204 of 2020.  
.....

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>notification dated 12<sup>th</sup> March, 2020 inviting applications for engagement of Data Entry Operators on temporary basis afresh.</p> <p>It is submitted on behalf of the applicants that as it was intimated on 5<sup>th</sup> November, 2019 that the examination to be held on 22<sup>nd</sup> November, 2019 would be of 200 marks - MCQ of 50 marks on basic computer operation followed by Type Test of 100 marks and Practical Test of 50 marks and as no Type Test of 100 marks was held as evident from the result sheet, the entire examination process is invalid. Moreover, as no qualifying marks was fixed in the said examination as evident from the intimation dated 5<sup>th</sup> November, 2019 and though total marks of MCQ was fixed at 50 as some of the successful candidates have secured more than the said total marks, the selection process should be set aside and quashed. Since law is that a temporary worker cannot be replaced by another temporary worker, appropriate interim order may be passed.</p> <p>On a query, it is submitted that though the authorities have declared the applicants as unsuccessful, however, their services are being utilised and continued and extended up to 31<sup>st</sup> May, 2020</p>	

**ORDER SHEET**Shri Anujit Lala and 07 Others.  
.....**Vs.**The State of West Bengal & Ors.  
.....

Form No.

Case No. O.A.-204 of 2020.  
.....

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>pursuant to an order dated 15<sup>th</sup> April, 2020. Let a copy of the said order dated 15<sup>th</sup> April, 2020 filed be kept on record.</p> <p>Mr. B. P. Roy, learned advocate appearing on behalf of the State respondents submits that as the test conducted on 22<sup>nd</sup> November, 2019 was in accordance with the notification dated 5<sup>th</sup> November, 2019 and as all posts are on temporary basis, no interim order be passed. However, if directed, the respondents shall file reply to the application.</p> <p>Heard learned advocates for the parties.</p> <p>Let reply be filed by 3<sup>rd</sup> July, 2020. Rejoinder, if any, by 31<sup>st</sup> July, 2020. Let the matter appear under the heading "For Orders" on 10<sup>th</sup> August, 2020.</p> <p>So far the prayer for the grant of interim order is concerned as we prima facie find from the result sheet that there is no mention of awarding of marks for the Type Test though the notification dated 5<sup>th</sup> November, 2019 mentions of the same and the qualifying marks for the test was not declared in the notification dated 5<sup>th</sup> November, 2019 and as some of the successful candidates in MCQ had secured more than 50 marks which was the total marks in the said category, let</p>	

**ORDER SHEET**Shri Anujit Lala and 07 Others.  
.....**Vs.**The State of West Bengal & Ors.  
.....

Form No.

Case No. O.A.-204 of 2020.  
.....

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
Sourav	<p>there be an interim order directing each of the respondents not to disturb the services of the applicants till 30<sup>th</sup> September, 2020 or until further order whichever is earlier.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	