

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

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

Case No OA- 224 OF 2018

DEBABRATA BERA & ANR.. Vs. 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 style="text-align: center;"><u>01</u> 05.04.18</p>	<p>For the Applicant : Mr.G.P.Banerjee Learned Advocate</p> <p>For the Respondent : Mr.A.L.Basu Learned Advocate</p> <p>On consideration of the facts of the present case, the original application is admitted for hearing. The respondents are directed to file reply within a period of four weeks and rejoinder, if any, may be filed by the applicant within a period of two weeks thereafter.</p> <p>The two applicants - Debabrata Bera and Soubhik Chakraborty submitted application in prescribed format for the post of "Sub-Officer" under Department of Fire &amp; Emergency Services, Government of West Bengal in response to Advertisement No. 15 of 2016 published by Public Service Commission, West Bengal. It appears from the method of recruitment disclosed in the letter issued to the candidates by the Assistant Secretary, Public Service Commission, West Bengal (page 26 of the original application) that the candidates will be selected on the basis of Written Examination followed by Endurance Test and Personality Test to be conducted by the Public Service</p>	

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	<p>Commission. The method of recruitment disclosed in the said letter by the Assistant secretary of Public Service Commission indicates that the candidates, who qualified in the Written Examination, will be called for Endurance Test and those who qualify in Endurance Test, will be called for Personality Test and the merit list will be prepared on the basis of marks obtained in Written Examination and Personality Test and the Commission shall have discretion to fix qualifying marks for Written Examination and Personality Test.</p> <p>On consideration of method of recruitment, we find that the candidates who qualified in Written Examination and in endurance Test will be called for Personality Test. The present applicants appeared in the Written Examination and called for Endurance Test and thereby we can presume that the applicants qualified in the Written Examination. However, no document is forthcoming before the Tribunal for formation of opinion that the applicants qualified in the Endurance Test. If the present applicants qualified in the Endurance Test, they must be permitted to appear in the Personality Test.</p>	

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BLR	<p>Having heard Learned Counsel representing both parties and on consideration of the background facts disclosed hereinabove, we direct the respondent No.2 and 3 to grant permission to those applicants, who qualified in Endurance Test for appearing in the Personality Test to be conducted by the Public Service Commission along with other successful candidates. The merit list to be published by the Public Service Commission, will be subject to final decision of the present original application.</p> <p>List the matter under the heading "Reply, Rejoinder" on 03.07.2018.</p> <p>Let an urgent plain copy of the order be supplied to both parties.</p> <p style="text-align: center;"> <b>(S.K.Das)</b>  <b>MEMBER(A)</b> </p> <p style="text-align: center;"> <b>(R.K.Bag)</b>  <b>MEMBER (J)</b> </p>	