

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-** The Hon'ble Justice Soumitra Pal (Chairman) &  
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

**Case No. OA -237 OF 2020**

**RAJU PRADHAN & 3 ORS. 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>02</u> 24.08.2020</p>	<p>For the Applicants : Mr. G.P.Banerjee Mr.M.K.Pandey Advocates</p> <p>For the Respondent No.1 : Mr.B.P.Roy Advocate</p> <p>For the Respondent No. 2 and 3 : Mr.S.Bhattacharjee Advocate</p> <p>For the Respondent No. 4 and 5 : Mr.M.N.Roy Advocate</p> <p style="text-align: center;">Let affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application, the applicants have prayed for certain reliefs, the relevant portion of which is as under:-</p> <p style="text-align: center;"><i>“(a) A direction do issue upon the concerned respondent authorities not to publish the result of the written examination which was conducted on 27<sup>th</sup> January, 2020 by the Public Service Commission, West Bengal for the recruitment to the post of Sub-Inspector in the Sub-Ordinate Food and Supply Services,</i></p>	

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	<p><i>Grade III, under Food and Supplies Department, Government of West Bengal, till the investigation is completed by the respondent police authorities in connection with the First Information Report (F.I.R.) being no. 06 of 2019 dated 3<sup>rd</sup> January 2019 under Section 419/420/120B Indian Penal Code and Section 8/12 of Prevention of Corruption Act, 1988 lodged by the Anti Cheating and Fraud Section, CID, West Bengal before the Patashpur Police Station, Purba Medinipur and to command them to act in accordance with law".</i></p> <p>It appears that in 2018 an advertisement, being no. 26 of 2018 was published by the Public Service Commission, West Bengal, the respondent no.2, inviting applications for recruitment to the post of Sub-Inspector in the Sub-Ordinate Food and Supply Services, Grade III, under Food and Supplies Department, Government of West Bengal. The applicants applied for the post. They received the admit cards and participated in the written examination which was held on 27<sup>th</sup> January, 2019.</p>	

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	<p>Allegation is though long time has passed the Public Service Commission are tight lipped about the publication of the results of the written examination. The applicants enquired and came to learn, as evident from paragraph 6 (j) of the application, that.....</p> <p><i>“as per the enquiry and/or complaint being received by the police authority, specially Anti Cheating and Fraud Section, Government of West Bengal, have registered one First Information Report (F.I.R.) being no. 06 of 2019 dated 3<sup>rd</sup> January 2019 against (i) Jayanta Kumar Ghorami, (ii) Pushpendu Patra, (iii) Sukumar Dinda, (iv) Sumit Mondal, (v) Amiya Pual and (vi) Swapan Mondal respectively with a charge that these persons were directly involved with a racket of providing Government Jobs to the aspiring candidates in lieu of huge amount of money and most of the times they have been successful in providing the jobs in Primary Schools, West Bengal Police, Municipality, Clerical Jobs, Gr.D Job, including School Service Gr.D Jobs,</i></p>	

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	<p style="text-align: center;"><i>moreover in Transport Department, Railways, Indian Army and Sub-Ordinate Food &amp; Supply Services, West Bengal”.</i></p> <p>According to the applicants since a racket is continuing which is jeopardising the faith of the applicants in the Public Service Commission and as the Commission trying to publish the result of written examination hurriedly, appropriate order may be passed.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the applicants relying on the statements in the application as well as on the annexures particularly on the FIR appearing from pages 22 to 24 of the original application submits that as it is evident that there is rampant corruption in providing jobs in the Food and Supplies Department, appropriate order may be passed staying the selection process. Our attention has also been drawn to the supplementary affidavit filed on 14<sup>th</sup> August, 2020 wherefrom it appears that the authorities have filed a charge sheet against the accused persons. Submission is as during the pendency of the original application, wherein</p>	

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	<p>prayers have been made for grant of interim order, the Public Service Commission has published the result of the examination, appropriate interim order may be passed and the respondents may be directed to show - cause why results have been published during the pendency of the proceedings before the Tribunal. Relying on the judgement in Dr.Hari Pada Poddar vs. S.R.Das, Secretary to the Government of West Bengal 1974 CLJ 495, it is submitted that the publication of the result during the pendency of the original application is a contimatiuous act.</p> <p>Mr.S.Bhattacharjee, learned advocate appearing on behalf of the Public Service Commission, West Bengal and its Secretary, the respondent nos. 2 and 3 specifically submits on instruction that the examinations were conducted in accordance with law and norms and none of 12 accused persons are employees of the Public Service Commission.</p> <p>Mr.M.N.Roy, learned advocate appearing on behalf of the Superintendent of Police, Purba Medinipur, and the Officer-in-Charge, Patashpur Police Station, the respondent nos. 4 and 5 submits on</p>	

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	<p>written instruction that as seen action has been taken. However none of 12 accused persons are employees of the Public Service Commission, West Bengal nor are they associated in any manner whatsoever with the Public Service Commission. A copy of the written instruction filed be kept on record.</p> <p>Mr.B.P.Roy, learned advocate appearing on behalf of the State respondent no. 1 submits on instruction that since it appears from the submission of the learned advocates appearing on behalf of the respondent no. 2 to 5 that none of the accused are associated with the Public Service Commission and examinations were held according to the norms, no order may be passed as large number of posts are lying vacant.</p> <p>In reply, Mr.G.P.Banerjee referring to the charge sheet submits that assuming the 12 accused persons are not associated with the Public Service Commission as there is an allegation of rampant corruption, appropriate order may be passed.</p>	

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BLR	<p>Heard learned advocates for the parties. We have perused the FIR appearing at pages 22 to 24 of the original application as well as the charge sheet which has been annexed to the first supplementary affidavit appearing from pages 8 to 14 of the application. We find from the FIR that money has allegedly been taken from several job seekers in various departments including in the department of Police, Civic Police Volunteers, Electricity department, Food and Supplies Department, Group-D, Army and Motor Vehicles department. The same is also evident from the charge sheet. The FIR and charge sheet do not at this stage reveal that money has been taken from any candidate. Moreover since it has been specifically submitted on behalf of the Public Service Commission that the accused are not associated with the Commission, no order can be passed on this application. Therefore, no order is passed on this application. The application is dismissed.</p> <p style="text-align: center;">(S.K.DAS) MEMBER (A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	