

**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 60 of 2020.

**TUHIN DEY & ORS – Vs- THE STATE OF WEST BENGAL AND 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;">3</p> <hr/> <p>13.2.2020.</p>	<p>For the Applicants : Mr. T.Chakraborty, Mr. S. Bera, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the P.S.C.W.B. : Mr. A.L. Basu, Mr. S. Bhattacharjee, Advocates.</p> <p style="text-align: center;">Despite service of notice, none appears on behalf of the respondent nos. 5,6 and 7.</p> <p style="text-align: center;">In this application, the applicants have challenged the advertisement dated 22<sup>nd</sup> January, 2020 issued by the Public Service Commission, West Bengal for recruitment of Instructors at Industrial Training Institute under the Government of West Bengal since according to the applicants, it does not abide by the suggestions given in the meeting held on 3<sup>rd</sup> December, 2019 by the recommendation committee. Mr. T. Chakraborty, learned advocate appearing on behalf of the applicants submits that as the advertisement appearing at page 135 of the application does not follow the mandates given by the Director of Training, Ministry of Skill Development &amp; Entrepreneurship (MSDE) dated 26<sup>th</sup> July, 2019 and as the</p>	

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	<p>specific direction given in the intimation dated 9<sup>th</sup> January, 2020 along with the enclosures have not been followed and as the letter dated 31<sup>st</sup> January, 2020 issued by the said Ministry mandates CITS qualification for the recruitment of Vocational Instructors in Industrial Training Institutes, appropriate order, including interim order, may be passed staying the selection process. Since Education falls in the concurrent list, the State authorities are bound to follow the instruction issued by the Ministry of Skill Development &amp; Entrepreneurship, Government of India.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent submits that the State authorities are not bound by the recommendations. That apart, the intimation dated 9<sup>th</sup> January, 2020, might have been received by State respondents in and around the time when advertisement was published and as the letter dated 31<sup>st</sup> January, 2020 by the Ministry of Skill Development &amp; Entrepreneurship was issued after the advertisement for recruitment was published on 22<sup>nd</sup> January, 2020, no interim order may be passed.</p>	

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	<p>Mr. A.L. Basu, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that as evidently the letter dated 9<sup>th</sup> January, 2020 might have reached the State authorities long after the requisition process was over and the letter dated 31<sup>st</sup> January, 2020 by the Ministry of Skill Development &amp; Entrepreneurship was issued after the advertisement was published, no interim order may be passed.</p> <p>Heard learned advocates for the parties.</p> <p>The matter is admitted. Let reply be filed by 3<sup>rd</sup> April, 2020. Rejoinder, if any, by 22<sup>nd</sup> April, 2020. Matter to appear under the heading "Reply/Rejoinder and Objection on 29<sup>th</sup> April, 2020.</p> <p>So far as the prayer for interim order is concerned, though we find that Director of Training, Ministry of Skill Development &amp; Entrepreneurship (MSDE) by letter dated 26<sup>th</sup> July, 2019 had requested the State authorities to revise the recruitment rules and to consider CITS as an essential qualification while recruiting vocational instructors in ITIs, since prima facie we find that thereafter by letter dated 9<sup>th</sup> January, 2020 specific details regarding qualification have been provided by the</p>	

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Skg.	<p>Committee, which might have reached the State authorities long after the requisition process and as the letter dated 31<sup>st</sup> January, 2020 was issued after the advertisement was published by the Public Service Commission on 22<sup>nd</sup> January, 2020, no interim order is passed save and except the action taken by the authority shall abide by the result of the application.</p> <p>Learned advocate on record for the applicant is directed to intimate this order to the respondent Nos. 5,6 and 7, within two days from the date of obtaining the certified copy of this order.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	