

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& The Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 609 of 2017.

PRADYAT SAHA – VS- THE 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;">6</p> <hr/> <p>8.08.2018.</p>	<p>For the Applicant : Mr. A. Chatterjee, Senior Advocate, Mr. M. Ganguly, Mr. A. Sengupta, Advocates.</p> <p>For the State Respondent : Mr. A.L. Basu, Advocate.</p> <p>In this application the applicant, who had applied for the post of Assistant Public Prosecutor pursuant to the advertisement no. 4 of 2015, has prayed for direction upon the respondents particularly on the Public Service Commission, West Bengal, the Respondent no. 2 ,to recast the final panel (merit list) on the basis of total marks obtained by the candidates in the written test and in the personally test in compliance with the advertisement by cancelling the impugned panel (final merit list) published by the authority on 8th July, 2016.</p> <p>At the very outset, Mr. Basu, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that the issues raised in this application are squarely covered by the judgement dated 3rd March, 2017 passed in OA 931 of 2016 with MA 179 of 2016, Munirul Islam –Vs- State of West Bengal</p>	

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	<p>along with six other cases.</p> <p>Mr. Chatterjee, learned Senior Advocate appearing on behalf of the applicant relying on the judgements in Amalapuram Municipal Council –vs- U. Simhadri : (1996) 10 SCC 657 and in Prakash Chand Meena and Others –Vs- State of Rajasthan : (2015) 8 SCC 484 submits that as the recruitment process starts from the date of advertisement, no change in terms of recruitment can be made and therefore the judgement passed in Munirul Islam (supra) cannot be said to be on proper appreciation of facts and law. With the change of criteria, merit has been compromised.</p> <p>In reply, Mr. Basu relying on the judgement in Ashok Kumar and Another –Versus- State of Bihar: (2017) 4 SCC 357 submits that the principles of law laid down in the judgements cited by Mr. Chatterjee are not applicable to the facts of the case. Moreover, challenging the order dated 3rd March, 2017 passed in Munirul Islam (supra) the applicants have filed a Writ Petition in the Hon'ble High Court which is pending.</p> <p>Since it is evident that the issues raised in this matter is similar to the issues raised in Munirul Islam</p>	

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Skg.	<p>(supra) and as therefore this matter is covered by the said judgement passed by the Tribunal, no order can be passed on this application.</p> <p>Therefore, no order is passed on this application.</p> <p>The application is disposed of.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	