

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble P. Ramesh Kumar (Administrative Member)

**Case No. OA-62 OF 2019**

**SRI SAYANTAN GUHA 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;"><u>03</u> 28.03.19</p>	<p>For the Applicant : Mr.G.C.Roy Advocate</p> <p>For the Respondents : None</p> <p>The matter has come up in the list under the heading "New Application".</p> <p>Heard Mr.G.C.Roy, learned advocate for the applicant. It appears from the application that the applicant had filed an application dated 24<sup>th</sup> September, 2018 seeking information in terms of the provisions contained in the Right to Information Act, 2005. The queries raised in the said application were replied to by the SPIO &amp; Deputy Secretary to the Government of West Bengal by an intimation dated 14<sup>th</sup> December, 2018, the relevant portion of which is as under:</p> <p style="text-align: center;"><i>"Now, as asked, point wise reply are enumerated as under:</i></p> <p><i>1. The allegation that despite having requisite qualifications and enough competency, he had been disqualified malafidely by the Board, is totally false and baseless because he had neither been disqualified by the Board nor he was found</i></p>	

**ORDER SHEET**

Form No. ....

Vs.

The State of West Bengal & Ors.  
.....

Case No. ....

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><i>ineligible. In the combined merit list of 2840 eligible candidates, his rank is 262. The rank of the candidate under UR category in the merit list who got selected is 33. He got a total marks of 70 out of 100 whereas the last selected candidate under UR category got a total 81.50 marks and that selected under UR category got 77. But WBHRB followed no gradation system and only the names of the selected candidates (vacancy wise and different reservation category wise) was recommended by the Board".</i></p> <p>The applicant in this application has prayed for the following relief as appears from the application:</p> <p><i>"(a) For direction upon the concerned respondents to arrange fresh selection procedure and/ or set aside impugned gradation merit list of the selection which has mentioned in the page no. 8 to 18/ 21-25 of the application as Annexure 'A' Collectively &amp; 'A-1' collectively and/ or "Proper Investigation whole corruption issue in the selection procedure which should be restrained for the interest of justice".</i></p> <p>The grounds in the application are as follows:</p> <p><i>"I. FOR THAT the Respondent no. 2 herein non consideration of the applicant's R.T.I. Application dated</i></p>	

**ORDER SHEET**

Form No. ....

Vs.

The State of West Bengal & Ors.  
.....

Case No.

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
BLR	<p>24.09.2018 as Annexure 'A' collectively therein sought Applicant's grievance i.e. fair fresh selection procedure and/or set aside impugned corruption merit list for the interest of justice otherwise which is totally bad in the eye of law.</p> <p>II. FOR THAT the respondents ought to have "Proper Investigation though Vigilance Commission and/or higher Investigation Agency find out arising out of allegation which has questionable point highlighted in the Daily Bengali News paper being page No. 17, 21-25 as well as R.T.I. Act Application as Annexure 'A' collectively made by the Applicant's Learned Advocate dated 24.09.2018 and immediate cancelled impugned selection list being page no. 8-18, 21 to 25 of the application otherwise applicant's prayer in a capricious manner which is not all sustainable in the eye of law".</p> <p>Since we find that the pleadings are inadequate and no ground has been made out challenging the reply to the application filed under the 2005 Act, as set out hereinbefore, the application is without merit and is dismissed.</p> <p>(P. RAMESH KUMAR) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	

**ORDER SHEET**

Form No. ....

Vs.

The State of West Bengal & Ors.  
.....

Case No. ....

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