

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 692 of 2018.

SUMAN GHOSH + 101 OTHERS – VS- THE STATE OF W.B. & 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>12 19.9.2018.</p>	<p>For the Applicants : Mr. D. Chatterjee, Mrs. J. Chakraborty, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the West Bengal Group-D Recruitment Board : Mr. A.L. Basu, Mr. S. Bhattacharjee, Advocates.</p> <p>Heard Mr. D. Chatterjee, learned advocate for the applicant, Mr. A.L. Basu, learned advocate for the West Bengal Group D Recruitment Board appearing along with Mr. S. Bhattacharjee and Mr. Goutam Pahak Banerjee, learned advocate for the State Respondent.</p> <p>Let reply be filed by 30th November, 2018. Rejoinder, if any, by 11th December, 2018. Matter to appear under the heading "Reply, Rejoinder and Objection" on 12th December, 2018.</p> <p>So far the prayer for interim order is concerned, it is submitted by Mr. Chatterjee that though the advertisement stipulated that there would no negative marking, however, it is evident from the booklet</p>	

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	<p>that there was negative marking. Besides it has been submitted that as relaxation was given to OBC B candidates, it should also been given to OBC A candidates. Further reservation policy has not been followed. Moreover, the cut off marks of reserved candidates is equal to the unreserved candidates.</p> <p>Mr. A.L. Basu, learned advocate appearing on behalf of W.B. Group D Recruitment Board submits that after advertisement for recruitment was published, on 8th May, 2017 information was uploaded by the West Bengal Public Service Commission in the Website under the heading "Information to the Candidates", much before the date of examination that there would be negative marking and accordingly the booklet was published intimating that there would be negative marking for wrong answer. Thereafter examination was held on 20th May, 2017. According to him since the candidates being aware of the information had participated in the selection process, they cannot now question the advertisement and also the selection process which started from the date of publishing the advertisement. Since the result has been published and the selected candidates have not been impleaded this</p>	

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Skg.	<p>application is not maintainable for nonjoinder of parties.</p> <p>Heard Mr. Chatterjee, Mr. Bose and Mr. Banerjee. Since it is submitted on behalf of the W.B. Group D Recruitment Board on instruction that before date the examination, that is 20th May, 2017, on 8th May, 2017 information was uploaded in the website that there would be negative marking and examination was held on 20th May, 2017 and results have been published on 18th August, 2018, no interim order is passed. The point of maintainability of the application is kept open.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	

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