

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 940 of 2019.

PRITAM GHOSAL - VERSUS- THE STATE OF W.B. & 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>3</p> <hr/> <p>19.12.2019.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the Public Service : Mr. A.L. Basu, Commission, W.B. Mr. S. Bhattacharjee, Advocates.</p> <p>For the Respondent No. 1 : Mr. S.N. Ray, Advocate.</p> <p>Affidavit of service filed today be kept on record. Matter is admitted. Let reply be filed by 3rd February, 2020. Rejoinder, if any, by 14th February, 2020. Matter to appear under the heading "For Orders" on 20th February, 2020.</p> <p>Mrs. S. Mitra, learned advocate appearing on behalf of the applicant submits that since it is evident that the applicant had secured 97.25 marks, whereas the last selected candidate recommended for appointment by the Public Service Commission, West Bengal has secured 95.20 marks, which is also reflected from the letter dated 18th September, 2019 issued by the Assistant Secretary to the Government of West Bengal to the Joint Secretary, Public Service Commission, West Bengal , an interim order, as prayed for, may be passed directing the</p>	

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	<p>respondent authority to keep one post vacant.</p> <p>Mr. A.L. Basu, learned advocate appearing on behalf of the Public Service Commission, West Bengal submits that as the applicant failed to secure the cut off marks in the interview, his name was not recommended for appointment. Submission is the names recommended were sent to the State authorities on 6th October, 2018.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of Respondent no. 1 submits that the State authorities relies on the recommendation of the Commission and virtually has no role to play in the selection process.</p> <p>In reply, referring to the advertisement, it is submitted on behalf of the applicant that since cut off marks have not been stipulated in the interview rather it has been mentioned that the final merit list will be prepared out of the total marks of 150 obtained by the candidates in written examination and 15 marks have been allotted for interview, appropriate interim order may be passed.</p> <p>Heard learned advocates for the parties. So far the prayer for interim order is concerned, since prima facie we find that the final merit list will be made on the</p>	

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Skg.	<p>basis of total marks in written examination and interview and as we find from the letter dated 18th September, 2019 issued by the Assistant Secretary to the Joint Secretary that the applicant had secured 97.25 marks and the last recommended candidate secured 95.20 marks, the applicant is entitled to an interim order. Therefore, let there been an interim order directing the respondents to keep one post of Krishi Prayukti Sahayak vacant till the disposal of the instant application. This order is passed without prejudice to the rights and contention of the parties and subject to further order that may be passed.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	