

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 956 of 2018.

SARFARAZ ALAM MONDAL –Versus- 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 style="text-align: center;">2</p> <hr/> <p>7.3.2019.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the P.S.C. West Bengal : Mr. A.L. Basu, Mr. S. Bhattacharjee, Advocates.</p> <p>In this application the applicant, belonging to OBC(A) category and who has participated in the recruitment process for the post of Assistant Teacher (Civil) conducted by the Public Service Commission, West Bengal, has challenged the method of evaluation as according to him it is not in consonance with the advertisement published by the Commission appearing at pages 15 to 19 of the application.</p> <p>Mrs. S. Mitra, learned advocate for the applicant referring to the advertisement submits that since final merit list is to be prepared on the basis of total marks obtained by the candidates in the written examination and interview, the result, as evident from page 22 of the application, cannot be sustained.</p>	

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	<p>Mr. A.L. Basu und Mr. G.P. Banerjee, learned advocates for the Public Service Commission, West Bengal and State respectively, submit that as it was categorically mentioned in the advertisement that the Commission shall have discretion to fix qualifying marks at each level of examination, that is, written and interview and in the aggregate for all the categories of vacancies, the submission of the applicant is without basis. Moreover, the applicant did not secure qualifying marks in the interview as evident from page 22 of the application.</p> <p>Heard Mrs. Mitra, Mr. Banerjee and Mr. Basu, learned advocates for the parties.</p> <p>Since we find in the advertisement it was intimated that “...<i>The Public Service Commission, West Bengal, shall have discretion to fix qualifying marks at each level of examination i.e. written and interview and in the aggregate for all the categories of vacancies...</i>” the submission of the applicant cannot be accepted. Moreover, it is evident that the applicant has failed to</p>	

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Skg.	<p>secure minimum qualifying marks in the interview. Hence, for the reasons as aforesaid, the application is dismissed.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	