

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

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

Case No –OA 117 OF 2019

TARUN KUMAR GHOSH + 19 ORS. 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>1</p> <hr/> <p>20.02.2019</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mr. S. Arefin, Mrs. S. Dey, Advocates</p> <p>For the Respondents : Mr. S. Ghosh Advocate</p> <p>Affidavit of service filed today be kept on record.</p> <p>Mr. G. P. Banerjee, learned advocate for the applicant submits that though the applicants have crossed the upper age limit, however, as the applicants are working in the same Department as Councillors, in view of the judgements of the Tribunal passed in OA-281 of 2014 (Ashim Nayak & 13 Ors. vs. The State of West Bengal & Ors.) and in OA-392 of 2018 (Satyendra Nath Karmakar & Ors. vs. The State of West Bengal & Ors.), the respondents may be directed to allow the applicants to participate in the selection process condoning their age.</p> <p>Mr. S. Ghosh, learned advocate for the respondents submits that as the posts are different as mentioned in the judgements and as the applicants do not fulfil the upper age limit, they are not entitled to the order as prayed for. Moreover, the representation filed is before the Director of</p>	

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Health Services and not before the concerned authority.

Heard Mr. Banerjee and Mr. Ghosh. The matter is admitted. Let reply be filed by 20th March, 2019. Rejoinder, if any, by 5th April, 2019. Matter to appear under the heading "Reply, Rejoinder and Objection" on 24th April, 2019.

So far as the prayer for interim order is concerned, the applicants are at liberty to file hard copy applications afresh before the authority by 21st February, 2019. In the event the selection process takes place, the respondents shall allow the applicants to participate in the selection process condoning the age bar, if they are otherwise eligible, without prejudice to the rights and contentions of the parties and subject to further orders and the mark sheets and the answer scripts shall be kept in a seal cover and the results of the applicants will not be published without the leave of the Tribunal.

Let plain copies of the order be supplied to the learned advocates for the parties by the Registry.

(P. Ramesh Kumar)
MEMBER (A)

(Soumitra Pal)
CHAIRMAN

SCN.