

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. – MA 39 OF 2023 (OA 683 of 2022)**

SATYAJIT CHOWDHURY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
10.07.2023

For the Applicant : Mr.T.Chattopadhyay
Advocate
For the State respondents : Mr.Sankha Ghosh
Advocate
For the Learned Advocate : Mr.Goutam Pathak Banerjee
General, West Bengal Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondent No. 1 dated 14.10.2022. This reasoned order was passed in terms of the Tribunal's order in OA-627 of 2022. The direction was for consideration of the representation furnished by the applicant dated 28.07.2022 and 19.08.2022. The representation was relating to the creation of a post of Publicity Officer (Information Technology) in the Agriculture Directorate. The representation was against creation of such a post on several grounds. The applicant holds a post of Agriculture Extension Officer. Although the applicant, being an Agriculture Extension Officer, the feeder post, could not meet the essential qualification which is B.Tech (Computer Science/ Electronics/ Information Technology) / MCA (Master of Computer Application) or equivalent qualification.

While hearing the first round of this application in OA-627 of 2022, the impugned advertisement No. 1534 dated 29.06.2022 was stayed with a direction to pass a reasoned order after considering the representation of the applicant. The respondent accordingly passed the reasoned order dated 14.10.2022 which was subsequently replaced by leave of the Court and a fresh reasoned order passed on 24.11.2022, which is a subject matter of challenge in this application. The prayer for staying the reasoned order dated 24.11.2022 was not allowed by the Tribunal. Accordingly, the applicant approached the Hon'ble High Court which after hearing the matter requested the Tribunal to hear the matter afresh. In the meantime, the respondent concluded the recruitment process and filled up the post. It is also submitted that incumbent who had filled up the post has demitted the office on superannuation. The matter was again taken up by the High Court, in which, a liberty was given to the applicant to mould the relief portion of the application before the Tribunal.

Accordingly, this MA-39 of 2023 has been filed praying before this Tribunal to pass an order admitting the amendments sought in para 7 of this application.

The primary and relevant prayers in para 7 to be considered for admission is as follows:

- (i) To add Arunava Banerjee, son of late A.K.Banerjee as private respondent No. 5.
- (ii) Setting aside the notification No. 670-Estab(Dte)/AG/O/9M-6/2022 dated 15.03.2023 appointing the respondent No. 5 to the impugned post.

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THE STATE OF WEST BENGAL & OTHERS.

After hearing the submissions of the learned counsels, this MA-39 of 2023 is admitted with the following two prayers.

- (i) To add Arunava Banerjee, son of late A.K.Banerjee as private respondent No. 5.
- (ii) Setting aside the notification No. 670-Estab(Dte)/AG/O/9M-6/2022 dated 15.03.2023 appointing the respondent No. 5 to the impugned post.

Let these prayers be amended prayers of OA-683 of 2022.

Liberty is given to the applicant to add the respondent No. 5 during the course this day.

Let a copy of the original application with amended prayers along with a copy of this order be served upon the respondent No. 5 and affidavit of service be affirmed and filed on the next date of hearing.

Let Original application as ordered earlier be listed and heard under the heading "Admission Hearing" on 28th August, 2023.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR