

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. –OA 553 of 2021

MANOJ TALUKDAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

04
16.09.2021

For the Applicant	:	Mr.A.Maity Advocate
For the State respondent	:	Mr.S.N.Ray Advocate
For the Public Service Commission	:	Mr.A.L.Basu Mr.S.Bhattacharjee Advocates

At the very outset, it is submitted by Mr.A.Maity, learned advocate for the applicant that as the merit list has been prepared on the basis of marks obtained in the interview which is contrary to the judgements of the Supreme Court of India in Praveen Singh v. State of Punjab: (2000)8 SCC 633 and in Barot Vijaykumar Balakrishna and Others Vs. Modh Vinaykumar Dasrathlal and Others in (2011) 7 SCC 308, interim order may be passed.

Mr.A.L.Basu, learned advocate appearing along with Mr.S.Bhattacharjee, learned advocate for the Public Service Commission, West Bengal, submits that the selection process was conducted by the Commission and recommendations were made on 14th January, 2021 and the Original application was filed belatedly on 4th August, 2021. Referring to the advertisement for recruitment issued by the Commission, particularly paragraph 4 thereof, it is submitted since it was made clear that the selection will be held on the basis of interview only and the applicants being fully aware of the same participated in the selection process – at first in the screening test where he was successful and also in the interview where he was unsuccessful, he cannot go back and challenge the said selection process and therefore no

ORDER SHEET

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interim order may be passed.

So far as the prayer for interim order is concerned it prima facie appears that the applicant was aware of the stipulations in the advertisement that the selection would be held on the basis of interview and being aware as the applicant had appeared in the interview, no interim order is passed.

The matter is admitted. Let reply be filed by 22nd November, 2021. Rejoinder, if any, by 29th November, 2021. Matter to appear under the heading “Reply, rejoinder and Objection” on 3rd December, 2021.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR