

04.02.2021
S/L No. 02
Court No.16
KS/dd

WPST 70 of 2018

Rana Pratap Singh
Vs.
The State of West Bengal & Ors.

Mr. Subir Sanyal,
Mr. Ratul Biswas, and
Ms. Sumouli Sarkar, Advocates.

... ... for the petitioner
present in Court

Mr. Pradip Roy, and
Ms. Shraboni Sarkar, Advocates.

... ... for the PSC
present in Court

Mr. Jyotosh Majumdar, Government Pleader

... ...For the State
present in Court

The challenge in the present petition is to the order dated 28.02.2018 passed by the West Bengal Administrative Tribunal (in short 'Tribunal') in M.A. 1 of 2018 in connection with O.A. 940 of 2017.

Vide aforesaid order, the Tribunal modified its earlier interim order dated October 12, 2017 and directed that as an interim measure one post in Group 'A' service in general category and one post in Group 'C' service in general category, shall be kept vacant till final decision of the Original Application.

The petitioner herein was a candidate who appeared in West Bengal Civil Services Examination, 2016. Original Application was filed before the Tribunal raising grievance regarding wrong answer keys to some of the questions in

the final examination, besides raising other grounds to challenge the process of selection. What transpires from the record is that the stand taken by the petitioner regarding wrong answer keys was vindicated to some extent, as is evident from the order dated 11th October, 2018 passed by this Court. It is evident from the aforesaid order that as a result of reevaluation, on correction of the errors in the answer keys, the petitioner was found entitled to 15.97 more marks.

The writ petition is pending in this Court for about two years. Even the Original Application filed by the petitioner is pending before the Tribunal. The writ petition was filed in this Court praying that the entire process of selection should be stayed.

The stand taken by the learned counsel for the Commission is that in terms of the interim order passed by the Tribunal, which is impugned in the present writ petition, two posts have been kept vacant whereas all other candidates have been permitted to join service.

In view of the aforesaid development which has taken place during the pendency of the writ petition, in our view, the interim relief as is sought to be prayed by the petitioner while challenging the order passed by the Tribunal cannot be granted at this stage. The only possible relief to which the petitioner is entitled to is that the Original Application filed by the petitioner, which is pending before the Tribunal, is decided expeditiously so

that the rights of the parties are crystallized. The Tribunal will examine the issues raised before it and opine as to whether the petitioner is entitled to the relief as prayed for by him or not.

At this stage, learned counsel for the petitioner pointed out that there are no Administrative Members in the Tribunal, as a result of which hearing of the cases pending before the Tribunal is being delayed.

We requested Mr. Jyotosh Majumdar, learned Government Pleader, to appraise this Court about the timeline in which the Administrative Members of the Tribunal will be appointed. After taking instructions from the competent authority, he submitted that the appointments shall be made as expeditiously as possible, preferably within two weeks. We expect that the timeline shall be adhered to as the litigants whose cases are pending before the Tribunal should not be deprived of their remedies only because the vacancies of Administrative Members have not been filled up.

As submitted by the learned counsel for the parties in Court, the pleadings in the Original Application pending before the Tribunal, are complete.

In view of the facts which we have noticed above, we deem it appropriate to dispose of the present writ petition with the direction to the Tribunal to finally adjudicate the issues raised by the petitioner in the Original Application

filed by him within a period of two months from the date of appointment of Administrative Member in the Tribunal.

As an abundant caution, we make it clear that we have not expressed anything on the merits of the controversy, which has to be gone into by the Tribunal on the arguments raised by the parties.

Let a copy of this order be supplied to Mr. Jyotosh Majumdar, learned Government Pleader, for compliance.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)