

17.03.2022
Item no.29
Ct. No.04
Saswata

WP.ST 15 of 2022

Tania Chatterjee & Anr.

-vs-

State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari
Ms. Rajlakshmi Ghatak
Mr. Aniruddha Tewari
... for the petitioners

Mr. Raja Saha
Mr. Biswabara Basu Mallick
Mr. Sayan Ganguly
... for the State

Let the affidavit of service filed in Court today be taken on record.

The instant writ petition is filed challenging the order no. 3 dated 01/02/2022 passed in OA 13 of 2022 by the West Bengal Administrative Tribunal. By which the Tribunal application was dismissed on the ground that the petitioners have not explained how the entire selection process was carried on extraneous consideration and the entire Tribunal application is based upon a news published in a bengali news channel and, therefore, cannot be considered as the foundation of the pleading.

In course of the hearing, it appears that the petitioners were participants in the recruitment process and claimed to have secured 81% and 82% marks respectively. The allegations is made in the Tribunal application that the candidates who secured 73% and 75% marks have been selected, sparing the

petitioners who obtained higher percentage of marks. It was further alleged that the private respondent nos. 108 & 109 were included in the panel of PWD category but the appointment has been made to the post reserved for the general category, which is impermissible. The petitioners have annexed the panel published by the competent authority in order to corroborate such allegations. It is further alleged that once the cut off marks in the general category is fixed at 82.5, the person securing 73 & 75 marks cannot be included in the general category. Furthermore, it is alleged that some candidates who do not have expertise or knowledge in housestaffship are not entitled to be appointed in the general category.

Such being the pleading and the supportive documents are also annexed to the Tribunal application, we fail to appreciate whether the said Tribunal application is bereft of any foundation. The cause of action is the bundle of facts, if proved, will invite the Court to decide the reliefs claimed therein. The importance of pleading cannot be eroded if there is no case made out nor any dispute is raised but if there is sufficient averments made in the application which is a bed rock of the cause of action and for the reliefs claimed therein, we do not find that such

pleading should be thrown for want of foundational facts.

Since, in our opinion, we do not find that the Tribunal application lacks the requisite pleadings of facts, the order impugned is unsustainable. The same is hereby set aside.

The matter is relegated back to the Tribunal for disposal on merit.

WP.ST 15 of 2022 is disposed of, accordingly.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)