

8th December, 2025
(D/L No.4)
Ct. No.4
(SKB)

W.P.S.T.155 of 2024

Biswajit Dey
Versus
The Secretary, Public Service Commission,
West Bengal and others

Mr. Kashishwar Ghosal
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy
... for the State.

Ms. Piyali Sengupta,
Mr. Victor Chatterjee
... for the Public Service Commission.

1. The present writ petition arises out of an order dated 16.05.2024 passed by the West Bengal Administrative Tribunal (in short 'Tribunal') in O.A. No. 244 of 2021. The O.A. was filed by the petitioner, who participated in a recruitment process for appointment of fire operators since he was deprived of an opportunity to appear in the Physical Measurement and Endurance Test ("PM&ET" for short) since the rescheduled date fixed for the same was not communicated to the writ petitioner.

2. He sought the following relief:

"i) to direction upon the respondents, their men and/or agents to allow the applicant in the selection process by issuing call of physical Measurement followed by Endurance Test.

ii) Call for the records of the case so that perusing the same and hearing the parties conscionable justice may be done.

iii) Any other or further order or orders and/or direction or directions as this Hon'ble Tribunal may seem fit and proper.

iv) Leave may be granted to move this application."

3. Heard learned advocate for the petitioner and the learned advocates for the respondents.
4. The writ petitioner participated in a recruitment process for appointment of Fire Operation under the department of Fire & Emergency Services, Government of West Bengal. It is his case that he was successful in the written test and, thereafter, was required to appear at the next stage of the recruitment process being 'PM&ET'. The date fixed for PM&ET was 13.11.2019. The petitioner could not appear on that date. He, thereafter, requested the authorities for fixing a date for giving him a chance to participate, alleging that he did not receive any intimation regarding fixing of the date 13.11.2019 for PM&ET.
5. The recruiting body noticed similar complaint from some other candidates and, therefore, on 17.10.2020 the Public Service Commission ('Commission' in short) notified another chance for the candidates to appear in the PM&ET on 03.12.2020.

6. The learned advocate for the writ petitioner submits that no intimation was given to the petitioner regarding fixing of this second date. He submits that the petitioner had personally gone to the Office of the Commission on 02.12.2020. However, he was not informed that the date for PM&ET was fixed on 03.12.2020.
7. We find that the respondents have filed a reply before the West Bengal Administrative Tribunal ('Tribunal' in short) and clearly stated the fact of notification of the PM&ET date i.e. 03.12.2020, on the official website of the Commission. The fact that an SMS, had been sent to the writ petitioner on 02.12.2020, is not in dispute. The SMS sent to the petitioner reads as follows:

“Rescheduled dates of Physical Measurement Test followed by Endurance Test for recruitment to the post of Fire Operator under the Department of Fire & Emergency Services, Govt. of W.B. [Advt. No. 15/2018] have been fixed. Please follow the website for details – wbpsc.gov.in ”

8. It is clear from the SMS that intimation regarding rescheduled date for PM&ET notified on the website of the respondent Commission, was received by the petitioner. Thereafter, he was required to check details from the official website of the Commission, which had been uploaded much prior thereto; on 17.10.2020.

9. The learned advocate for the petitioner vehemently submitted that on 02.12.2020, there was two lists published, which were *at variance* with each other insofar as the number of candidates who had been allowed opportunity to appear on the next date fixed (03.12.2020).

10. We find such submission of no avail to the petitioner. In both the notifications uploaded in the website, the date for PM&ET is same i.e. 03.12.2020. The petitioner's name was appearing in the first list at Sl. No.39; whereas in the second list his name is at Sl. No. 40.

11. The reason for issuing the second notice is apparent from the heading of the second notice published in the website of the Commission that it was for including some other candidates who had been left out. Issuance of a second list on the website was of no consequence in so far as the date notified for second PM&ET, which remained the same, as 03.12.2020, on the website.

12. In the above facts and circumstances, we find that by due intimation through SMS sent to the petitioner, he was informed regarding rescheduled dates for PM&ET for the recruitment process in question. The SMS clearly required

the petitioner to see the details from the website, if the petitioner did not take any steps pursuant thereto. He has no one else to blame but himself.

13. It is clear that the petitioner missed his opportunity because he did not bother to check the official website of the Commission in spite of SMS being sent to him.

14. We, therefore, find no infirmity in the decision of the Tribunal having regard to the facts as taken note of. The order of the Tribunal requires no interference. Accordingly, the writ petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)