

NEPESH MAJHI

Advocate

C/o. Samim Ahammed, Advocate
Bar Association, Room No. 1,
HIGH COURT, CALCUTTA.

Ph. No. : 8972572577 (M)

Date : 19/04/2017

To,

1. The Learned Government Pleader,
High Court, Calcutta.
2. Personnel and Administrative Reforms and
e-Governance Department,
Government of West Bengal,
Nabanna, HRBC Building,
325, Sarat Chatterjee Road, Howrah- 711102,
through the Principal Secretary.
3. Department of Finance,
Government of West Bengal, Nabanna,
HRBC Building, 325, Sarat Chatterjee Road,
Howrah- 711102,
through the Principal Secretary.
4. Public Service Commission, West Bengal,
office at 161A, Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata- 700026,
through the Chairman.
5. Chairman, Public Service Commission, West Bengal,
office at 161A, Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata- 700026.
6. Prof.(Dr.)Subhrangsu Shekhar Chatterji, Chairman,
Public Service Commission, West Bengal,
office at 161A, Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata, West Bengal 700026.
7. Dipankar Das Gupta, Member,
Public Service Commission, West Bengal,
office at 161A, Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata 700026.

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Bar Association, Room No. 1,
HIGH COURT, CALCUTTA.

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Re. : W.P. No. 12070 (W) of 2017

Ramchandra Bhattacharjee & Anr.

- Vs. -

The State of West Bengal & Ors.

Dear Sir(S),

Enclosed please find herewith a copy of the Writ Petition along with annexure in the abovenoted matter. Please note that the said matter will be listed before Their Lordships the Hon'ble Acting Chief Justice Nishita Mhatre and Hon'ble Justice Tapabrata Chakraborty on 21.04.2017 or soon thereafter as and when the business of the Hon'ble Court permits.

This is for your information and record.

Thanking you,

Yours faithfully,

Encl. : As stated above.

Nepesh Majhi
Advocate.

DISTRICT : KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.

W.P. 12070(W) of 2017

Subject matter relating to :
under Group - IX ; Head - ()
of the Classification List.

Cause title

Ramchandra Bhattacharjee and
Anr

... Petitioner

Versus

State of West Bengal & Ors

... Respondents

ADVOCATE-ON-RECORD

Nepesh Majhi

Nepesh Majhi

Advocate

C/O Samim Ahammed

Advocate

Bar Association Room No. 1

High Court, Calcutta

DISTRICT : KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. (W) of 2017

In the Matter of:

Ramchandra Bhattacharjee
... Petitioner

Versus

State of West Bengal & Ors
... Respondents

I N D E X

| Sl. No. | Description of Documents | Annexure | Pages |
|---------|--|----------|-------|
| 1. | Writ Petition along with Affidavit. | | 1 to |
| 2. | Copy of the said West Bengal Staff Selection Commission Act, 2011 | P1 | |
| 3. | Copy of the said notification dated No. 1520-PAR (Genl.) dated 3rd September, 2012. | P2 | |
| 4. | Copy of the memo No. 2145-F(P) dated March 13, 2013 issued by OSD and Ex-Officio Joint Secretary to the Government of West Bengal | P2A | |
| 5. | Copy of the amendments made in the West Bengal Public Service Commission (Exemption from consultation) Regulations 2008 by which powers and authorities of Public Service Commission was denuded | P3 | |
| 6. | Copy of the said notification No. HF/O/GA/2378/2E-04/11 Pt.I dated August 1, 2012 | P4 | |

| | | | |
|-----|---|------|--|
| 7. | Copy of the news report dated May 20, 2015. | P4A | |
| 8. | Copy of the order dated October 1, 2008 by which the state government decided to include selection of Group D post within the purview of Public Service Commission. | P5 | |
| 9. | Copy of the news report dated December 25, 2012. | P6 | |
| 10. | Copy of the news report dated August 21, 2014. | P7 | |
| 11. | Copy of the news report dated January 17, 2015. | P8 | |
| 12. | Copy of the news report dated February 27, 2015 and April 23, 2015. | P9 | |
| 13. | Copy of the printout of the home page, history page, of the website of West Bengal College & University Professors' Association. | P10 | |
| 14. | List of members of WBCUPA downloaded from their website. | P10A | |
| 15. | Copy of the said Judgment passed in F.M.A. 3095 of 2015. | P11 | |
| 16. | Copy of the order passed in WP No.516 of 2011. | P12 | |
| 17. | Copy of the notification dated December 26, 2016 by which the State Government amended the , said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953. | P13 | |
| | Copy of the news report dated 11.03.2017. | P14 | |

LIST OF DATES

- October 1, 2008 : By an order the state government decided to include selection of Group D post within the purview of Public Service Commission, West Bengal to ensure transparency in the process of selection whereas after change of political colour in the state the newly formed government started interfering with the functioning of the Public Service Commission, West Bengal and/ or made all efforts to reduce the functioning of the said Commission which is apparent from the aforesaid conducts.
- 2010 : Public Service Commission, West Bengal smoothly conducted recruitment process for group D employees. Around fourteen lakhs participants participated in the said selection process. After change of political colour in the state the newly formed government decided not to appoint those selectees who were selected through a transparent process of selection and only after being succeeded in the legal battle those selectees were appointed. Therefore, malafide action which latent from the beginning is patent from subsequent actions. Petitioner craves leave to produce records in support of the aforesaid statement.
- 2011 : The function of the Public Service Commission in conducting the departmental examinations in case of Indian Administrative Service and West Bengal Civil Service (Exe) officer were transferred to Administrative Training Institute, a body controlled by the State Government itself.
- January 31, 2012 : Assault on the independence of the Public Service Commission, West Bengal started while by a notification the state of West Bengal promulgated the West Bengal Staff Selection Commission Act, 2011.

- May 30, 2012 : Conducts relating to curbing powers and functions of the Public Service Commission were deprecated by the Public Service Commission by a letter. By the said letter the Public Service Commission had in fact objected to such transfer of its core function like conducting of departmental examinations to a subsidiary body of the State. Furthermore the Public Service Commission also requested the State Government to reconsider the decision of shifting the recruitment of Group B and C staff on several occasions. Since the motive of the state respondents is to reduce transparency in the process of employment the representation of public service commission was not even considered.
- August 1, 2012 : By a notification No. HF/O/GA/2378/2E-04/11 Pt.I read with notification No. 4969-F(P) dated June 20, 2013, the State Government transferred recruitments under the Health Department from Public Service Commission, West Bengal to another newly constituted body namely, West Bengal Health Recruitment Board. The said board also is not an independent body rather is controlled by the state. The said decision was taken favouritism and / or nepotism in the selection process and thus, the said decision in effect frustrates the object of the provisions of Article 14 and 16 of the Constitution of India.
- September 3, 2012 : State Government in a mala fide manner by notification dated No. 1520-PAR (Genl.) decided to transfer the function of recruitment to Group B and C posts from the Public Service Commission, West Bengal to the so called West Bengal Staff Section Commission.
- December 25, 2012 : In terms of a news report, as posts of two members fell vacant in the Commission, Debopriya Mullick and one Dipankar Dasgupta were appointed. The said

Debopriya Mullick is the brother of food and supplies minister Jyotipriya Mullick while the said Dipankar Dasgupta was a retired PSU official who was said to be close to education minister Partha Chatterjee.

August, 21, 2014 : It was reported in Ananda Bazar Patrika that even before publication of results by the Commission, the paper of a particular candidate was reviewed and her number was increased. Petitioner has come to learn from reliable sources that litigation is pending in respect of the said illegal review. It is very much clear that such action is result of nepotism and favoritism imported into the commission by the political appointees.

January 17, 2015 : From a report published in Anandabazar Patrika, it would appear that the aforesaid political appointees in the Commission sought for details of the WBCS candidates seven days prior to their interview in gross violation of norms relating to secrecy of the selection process and decency. The said news report created ripples in the society and shattered the faith of the public upon the Commission so far its independence and impartiality was concerned.

February, 2015 : Nurul Haque, the Hon'ble Chairman of the Commission was compelled to resign from the Commission since the said chairman refused indulge any nepotism in the selection process as demanded by the said Debopriyo Mullick and Dipankar Dasgupta as reported on February 27, 2015 in the news report published in The Telegraph as well as in the news report published in Times of India on April 23, 2015.

2016 : State Government once again chose to appoint a political appointee namely Prof.(Dr.)Subhrangsu Shekhar Chatterji as the Chairman. In as much as the said Dr.

Subhrangsu Sekhar Chatterji was a member and assistant secretary of West Bengal College & University Professors' Association (WBCUPA), a body having allegiance to the All India Trinamool Congress.

December 26, 2016 : State Government amended the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 and thereby inserted Regulation 33 in the said Regulation.

March 11, 2017 : Incursion by the State into the domain of the Public Service Commission through overt and covert means becomes crystal clear from the report published by the Ananda Bazar Patrika. In terms of the said report, the State Government has sought names from Members of Legislative Assembly belonging to the ruling political party from their individual constituencies for appointment to the post of Group D under the State Government.

: Hence, this application.

POINTS OF LAW

- I. Whether Public Service Commission, West Bengal is an independent Constitutional Body?
- II. Whether the State is interfering with the independence of the Public Service Commission, West Bengal?

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Through
Nagesh Majhi
Advocate

W.P. (W) of 2017

In the matter of:

An application under Article 226
of the Constitution of India;

And

In the matter of :

Public Interest Litigation under
Rule 57(a) of the Rules of this
Hon'ble Court relating to
applications under Article 226 of
the Constitution of India

And

In the matter of:

1. Ramchandra Bhattacharjee, son
of Late Sontosh Kumar
Bhattacharjee, residing at 118 E/
1B Ananda Palit Road, Kolkata
700014.

2. Baneswar Hazra, son of Late
Aswini Kumar Hazra, 33
Phakirpara Road, Kolkata
700034.

...Petitioners

-Vs-

1. The State of West Bengal, service
through the Chief Secretary,
Government of West Bengal,
Nabanna, HRBC Building, 325,
Sarat Chatterjee Road, Howrah,
West Bengal 711102.
2. Personnel and Administrative
Reforms and e-Governance
Department, Government of West
Bengal, Nabanna, HRBC
Building, 325, Sarat Chatterjee
Road, Howrah, West Bengal
711102, through the Principal
Secretary.
3. Department of Finance,
Government of West Bengal,
Nabanna, HRBC Building, 325,

Sarat Chatterjee Road, Howrah,
West Bengal 711102, through the
Principal Secretary.

4. Public Service Commission, West
Bengal, having its office at 161A,
Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata,
West Bengal 700026, through the
Chairman.

5. Chairman, Public Service
Commission, West Bengal,
having its office at 161A, Shyama
Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata,
West Bengal 700026.

6. Prof.(Dr.)Subhrangsu Shekhar
Chatterji, Chairman, Public
Service Commission, West
Bengal, having its office at 161A,
Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata,
West Bengal 700026.

7. Dipankar Das Gupta, member,
Public Service Commission, West
Bengal, having its office at 161A,
Shyama Prasad Mukherjee Road,
Tollygunge, Kalighat, Kolkata,
West Bengal 700026.

...Respondents

To

The Hon'ble Mrs. Nishita Mhatre, Acting Chief Justice and Her
Companion Justices of this Hon'ble Court

The humble petition of the
petitioner above named most
respectfully -

S H E W E T H:

1. Petitioners state that they are retired employees of the West Bengal Public Service Commission. They are shocked to see the manner in which the power and authority of the Public Service Commission, West Bengal is being denuded by the state respondents with the colourable exercise of power to divest its neutrality.

2. Petitioners state that the framers of our Constitution rejected the spoil system outright to encourage engagement of meritorious citizens to maintain fairness and efficiency in administration. In fact the Constitution provides for an independent Public Service Commission so as to avoid undesired political compulsion at the time of appointment of civil servants. Civil servants who are recruited through public service commission are also protected by Articles 309, 310, 311 of the Constitution. Such protection is a necessary component for a fair administration.
3. Petitioners state that during their service career they have realized the importance/ requirement of constitutional protection relating to independence of the members and staffs of public service commission. Petitioners have also experienced attacks upon independent Constitutional functionaries like the Election Commissions, Controller and Auditor General including the Public Service Commission in West Bengal. Impinging upon the independence of any of those functionaries including Public Service Commission has dangerous ramifications. In as much as the Public Service Commission is involved in appointment of persons to Civil Service which forms the basis of the Executive Branch of the Government.

4. Petitioners state that assault on the independence of the Public Service Commission, West Bengal started while by a notification dated January 31, 2012 the state of West Bengal promulgated the West Bengal Staff Selection Commission Act, 2011. Copy of the said West Bengal Staff Selection Commission Act, 2011 is annexed hereto and marked as annexure P1.

5. Petitioners state that perusal of the Act of 2011, particularly Section 3 (5), 6(1), 6(2) 13, 14, 15 and 16 of the Act reveals that the State has complete control of the functioning of the said Commission and it reduces the functions of the West Bengal Public Service Commission. The following provisions of the act of 2011 clearly demonstrates the manner in which the West Bengal Staff Selection Commission is not at all an independent body:
 - a. Section 2 (5) of the Act of 2011 mandates that the staff selection commission shall operate under the administrative control of the State Government in the Department of Personnel and Administrative Reforms. Therefore each and every aspect of the commission is controlled by the state government.

- b. In terms of section 5 of the Act of 2011 each and every member including controller of examinations of the commission shall be appointed at the prerogative of the State Government. Therefore the constitution of the commission itself is regulated by the state.
- c. In fact the proviso to section 6(1) of the Act of 2011 provides for direct interference by the state government in matter of recruitment In as much as it provides for representatives of the department in the commission at the stage of interview.
- d. Section 8 of the Act of 2011 provides for recruitment of all staff through such a non - independent commission.
- e. Finally section 16 of the Act of 2011 is ominous In as much as it provides to the Government of the day unfettered discretion to dissolve the Commission as per its whims and fancies.

Perusal of the aforesaid provisions make it clear that State acted with oblique motive in the matter of establishment of staff selection commission by the said Act of 2011 without extending constitutional protection to its members and staffs as provided for the members of PSC. The said action amounts to fraud on Constitution.

6. Petitioners state that there is no comparable provision like Article 317 and 319 of the Constitution of India guaranteeing the independence of the said Staff Selection Commission. The so called staff selection commission is a subsidiary body of the State Government. Clearly Section 2(5), Section 5, proviso to section 6(1), section 8 and Section 16 render the whole act unworkable and therefore appropriate order must be passed by striking down the Act of 2011 in its entirety.

7. Petitioner states that the said Act of 2011 is a piece of colorable legislation In as much the purpose of the said Act of 2011 is to erode the Constitutional protection afforded to public appointments by encroaching upon the domain of Public Service Commission in regard to public appointment. The same stands corroborated from the subsequent actions of the State Government, which are as follows:
 - a. By a Notification No 28-PAR (Trg.)/HR/O/3T-65/09, dated January 27, 2012 the function of the Public Service Commission in conducting the departmental examinations in case of Indian Administrative Service and West Bengal Civil Service (Exe) officer were transferred to Administrative Training Institute, a body controlled by the State Government itself. The said decision was taken with a malafide intention to ensure

that those high ranked officers act in terms of the dictation of the political executives or the leaders of ruling political party. In as much as after the said decision promotional benefits of those high ranked officers would be dependent on the desire of the political bosses. On the other hand since the Administrative Training Institute is controlled by state the officers are themselves would be the judge of their own cause increasing chances of favouritism and nepotism. Therefore, the said decision dated January 27, 2012 is liable to be set aside.

- b. Despite the apparent bar contained in Section 6(3)(a) of the Act of 2011, the State Government in a mala fide manner by notification dated No. 1520-PAR (Genl.) dated 3rd September, 2012 decided to transfer the function of recruitment to Group B and C posts from the Public Service Commission, West Bengal to the so called West Bengal Staff Section Commission. The said decision is further apparent from the memo No. 2145-F(P) dated March 13, 2013 issued by OSD and Ex-Officio Joint Secretary to the Government of West Bengal. Copy of the said notification dated No. 1520-PAR (Genl.) dated 3rd September, 2012 is annexed

hereto and marked as Annexure P2. Copy of the memo No. 2145-F(P) dated March 13, 2013 issued by OSD and Ex-Officio Joint Secretary to the Government of West Bengal is annexed hereto and marked as annexure P2A.

c. Petitioners state that with a view to take away the power of consultation of the independent body like Public Service Commission in the matter of recruitment, appointment, Promotion and transfer of employees of the state amendments were brought in by the state of West Bengal in West Bengal Public Service Commission (Exemption from consultation) Regulations 2008. The said regulation was illegally given effect to without even laying it down before the legislative assembly. Copy of the amendments made in the West Bengal Public Service Commission (Exemption from consultation) Regulations 2008 by which powers and authorities of Public Service Commission was denuded are annexed hereto and marked as annexure P3 collectively.

d. By a notification No. HF/O/GA/2378/2E-04/11 Pt.I dated August 1, 2012 which was published in official gazette on September 13, 2012, the State Government transferred recruitments under the Health Department from Public Service Commission, West Bengal to

another newly constituted body namely, West Bengal Health Recruitment Board. The said board also is not an independent body rather is controlled by the state. The said decision was taken favouritism and / or nepotism in the selection process and thus, the said decision in effect frustrates the object of the provisions of Article 14 and 16 of the Constitution of India. The aforesaid issue was reported in a daily namely, Anandabazar Patrika on May 20, 2015. Copy of the said notification No. HF/O/GA/2378/2E-04/11 Pt.I dated August 1, 2012 is annexed hereto and marked as Annexure P4. Copy of the news report dated May 20, 2015 is annexed hereto and marked as annexure P4A.

8. Petitioners state that none of those bodies have independence nor do the employees of those institutions have any protection to act independently as provided for in the constitution of India for the members and staffs of public service commission. Therefore, establishment of Administrative Training Institute, West Bengal Staff Section Commission, West Bengal Health Recruitment Board for recruitment in different Civil Service to take away the functioning of the Public Service Commission without extending similar independence as provided in Part XIV

chapter II of the Constitution of India amounts to fraud on Constitution of India and are liable to be set aside.

9. Petitioners state that by an order dated October 1, 2008 the state government decided to include selection of Group D post within the purview of Public Service Commission, West Bengal to ensure transparency in the process of selection whereas after change of political colour in the state the newly formed government started interfering with the functioning of the Public Service Commission, West Bengal and/ or made all efforts to reduce the functioning of the said Commission which is apparent from the aforesaid conducts. Copy of the order dated October 1, 2008 by which the state government decided to include selection of Group D post within the purview of Public Service Commission is annexed hereto and marked as annexure P5.

10. Petitioners state that as stated above following the recommendation of the report of the administrative reforms committee and to bring transparency in the process of selection, recruitment of Group D post was included in the functions of the Public Service Commission. No extra ordinary situation has / had arisen for excluding those functions of Public Service Commission except political compulsion.

11. It would not be out of place to mention here that in the year 2010 the Public Service Commission, West Bengal smoothly conducted recruitment process for group D employees. Around fourteen lakhs participants participated in the said selection process. After change of political colour in the state the newly formed government decided not to appoint those selectees who were selected through a transparent process of selection and only after being succeeded in the legal battle those selectees were appointed. Therefore, malafide action which latent from the beginning is patent from subsequent actions. Petitioner craves leave to produce records in support of the aforesaid statement.

12. Petitioners state that aforesaid conducts relating to curbing powers and functions of the Public Service Commission were deprecated by the Public Service Commission by a letter dated May 30, 2012. By the said letter the Public Service Commission had in fact objected to such transfer of its core function like conducting of departmental examinations to a subsidiary body of the State. Furthermore the Public Service Commission also requested the State Government to reconsider the decision of shifting the recruitment of Group B and C staff on several occasions. Since the motive of the state respondents is to reduce

transparency in the process of employment the representation of public service commission was illegally rejected.

13. Petitioners state that the neither the State Government nor the Legislature of the State has the competence to issue any notification or enact any law which has the effect of transferring the essential functions of the Public Service Commission to a body without similar Constitutional safeguards of independence. In as much as the very object of Constitution of shielding public servants from political compulsions stands frustrated. State respondents acted illegally by transferring the function relating to making/ recommending public appointments and/ or matters incidental to public service from an independent body like public service commission to those bodies having no independence. Therefore, those decisions are liable to be set aside.

14. Petitioners state that however the State Government not being satisfied with the gradual denudation of the Public Service Commission firstly chose to reduce the number of members of the Commission from ten to six and also abolished 297 posts in the secretariat of the commission. Thereafter, the state respondents chose to make political appointees to the Commission so as to bring the Commission

totally under its control. In terms of a news report dated December 25, 2012 reported in 'The Times of India', as posts of two members fell vacant in the Commission, Debopriya Mullick and one Dipankar Dasgupta were appointed. The said Debopriya Mullick is the brother of food and supplies minister Jyotipriya Mullick while the said Dipankar Dasgupta was a retired PSU official who was said to be close to education minister Partha Chatterjee. Copy of the news report dated December 25, 2012 is annexed hereto and marked as Annexure P6.

15. Petitioners state that ill effects of such political appointment were apparent from different news report which are as follows:

- i. It was reported in Ananda Bazar Patrika dated August, 21, 2014 that even before publication of results by the Commission, the paper of a particular candidate was reviewed and her number was increased. Petitioner has come to learn from reliable sources that litigation is pending in respect of the said illegal review. It is very much clear that such action is result of nepotism and favoritism imported into the commission by the political appointees. Copy of the news report dated August 21, 2014 is annexed hereto and marked as Annexure P7.

- ii. From a report dated January 17, 2015 published in Anandabazar Patrika, it would appear that the aforesaid political appointees in the Commission sought for details of the WBCS candidates seven days prior to their interview in gross violation of norms relating to secrecy of the selection process and decency. The said news report created ripples in the society and shattered the faith of the public upon the Commission so far its independence and impartiality was concerned. Copy of the news report dated January 17, 2015 is annexed hereto and marked as annexure P8.
- iii. Subsequent thereto in the month of February, 2015 Nurul Haque, the Hon'ble Chairman of the Commission was compelled to resign from the Commission since the said chairman refused indulge any nepotism in the selection process as demanded by the said Debopriyo Mullick and Dipankar Dasgupta as reported on February 27, 2015 in the news report published in The Telegraph as well as in the news report published in Times of India on April 23, 2015. Copy of the news report dated February 27, 2015 and April 23, 2015 are annexed hereto and marked as annexure P9.

16. Petitioners state that it is matter of great concern that one of those two political appointees, namely Dipankar Dasgupta is still continuing as a member of the Commission. In fact at the instance of Debopriya Mullick decision was taken to merge different sections of the Commission into one Recruitment Section. Needless to mention here that the said Debopriyo Mullick having allegiance with the ruling party of the state was in fact dominating in the decision making process of the commission. Such move was taken deliberately so that confidentiality of each section could be torn down. For example in the earlier set up the matters of recruitment of Judicial Officers was unknown to the rest of the employees of the Commission working on recruitment of Executive Officers and vice versa. Now each employee of the Commission has knowledge of recruitment to each and every branch of the State, thereby increasing the chance of breach of confidentiality of the recruitment process. The said decision was taken arbitrarily with a malafide intention to ensure political interference in the matter of recruitment.

17. Petitioners state that the State Government once again chose to appoint a political appointee namely Prof.(Dr.)Subhrangsu Shekhar Chatterji as the Chairman in 2016. In as much as the said Dr. Subhrangsu Sekhar

Chatterji was a member and assistant secretary of West Bengal College & University Professors' Association (WBCUPA), a body having allegiance to the All India Trinamool Congress. Copy of the printout of the home page, history page of the website of West Bengal College & University Professors' Association is annexed hereto and marked as Annexure P10. List of members of WBCUPA downloaded from their website is annexed hereto and marked as annexure P10A.

18. Petitioners state that apart from that the said Dr. Subhrangsu Sekhar Chatterji is a man of questionable integrity In as much as a Division Bench of this Hon'ble Court observed the following in an appeal being F.M.A. 3095 of 2015 (reported in 2016 (2) CHN (CAL) 562) arising out of a contempt proceeding:

"it is clear the appellant/contemnor who was fully aware of the order and resorted to various methods to avoid implementing the same to the prejudice of the writ petitioner thereby to render the writ petition infructuous. If the appellant felt the order was illegal which had been passed on incorrect submissions, it was open to him to seek appropriate relief in the form of appeal, or review etc. against such order. Instead of choosing such course of action, he refused to

comply with the order and is presently setting up the aforesaid pleas which are wholly untenable in contempt jurisdiction. Such state of affairs make it evident that conduct of the appellant is not at all bona fide and accordingly we are of the view that the learned Single Judge had rightly held that the appellant had willfully and deliberately violated the order passed by the Court and was guilty of contempt. With regard to the imposition of cost it has been argued that there is no jurisdiction in the Court to impose cost in contempt proceeding. Power to impose cost is inherent in the Court, particularly in the High Court while exercising its plenary jurisdiction under Article 215 of the Constitution of India. On that score also the order cannot be faulted. The appellant ought to consider himself lucky that in addition to cost, fine or other penalty was not impose on him by the learned Single Judge by way of punishment.”

Copy of the said Judgment passed in F.M.A. 3095 of 2015 is annexed hereto and marked as Annexure P11.

19. Petitioners state that apart from this an Hon'ble Judge of this Hon'ble Court was pleased to observe the following in respect of the said Dr. Subhrangsu Sekhar Chatterji in WP No.516 of 2011:

“It is indeed unfortunate that the Petitioner cleverly attempted to suppress the Order dated 26.11.2009 which was passed by Justice Biswas in W.P. 150 of 2009 and therefore, the anxiety of both Mr. Nishit Ranjan Adhikari as well as of Mr. Biswaroop Bhattacharjee seeking a recall of the order dated 18.5.2011, is justified. This Court therefore recalls the Order dated 18.5.2011 and dismisses the Writ Petition. However, dismissal of the Writ Petition will not prevent the Petitioner from filing a fresh Writ Petition in accordance with law but however, for having misled this Court into passing the said Order on 18.5.2011 by cleverly suppressing and withholding the Order dated 26.11.2009, this Court considers it appropriate to impose Costs. Consequently, a Cost of Rs. 10,000/- is imposed upon the Petitioner for suppressing the said Order dated 26.11.2009.”

Copy of the order passed in WP No.516 of 2011 is annexed hereto and marked as Annexure P12.

20. Petitioners state that society expects honesty, integrity and complete objectivity from the members and staffs of the Commission. The present Chairman in question has no integrity and / or honesty as observed by the Hon'ble Division Bench of this Hon'ble Court cannot therefore, be suitable for the said post. In fact he has suffered a cost of Rs. 10,000 for

suppression of material fact before this Hon'ble Court. In other words credibility of the commission would be eroded and confidence destroyed if such person remains in the post of chairman of the commission. Therefore appropriate order is required to be passed by declaring the appointment of the said chairman is illegal.

21. Petitioners state that it was difficult for Two three members to control over all members and staffs of the Public Service Commission and thus, with a oblique motive to take away the whole independence of the Public Service Commission by a notification dated December 26, 2016 the State Government amended the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 and thereby inserted Regulation 33 in the said Regulation. Copy of the notification dated December 26, 2016 by which the State Government amended the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 is annexed hereto and marked as annexure P13.

22. Petitioners state that the newly incorporated regulation 33 of the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 empowers the respondent State to determine the number of

members and/or staffs of the Public Service Commission. Employees of the Public Service Commission including officers and other staffs may be transferred by the state as per its whims. Therefore, incorporation of the said provision was nothing but to keep control over the officers and staffs of the Public Service Commission.

23. Petitioners state that Public Service Commission, West Bengal works for finding out the best talent for the State Public Services without any political influence and other extraneous considerations. The said commission is constitutionally obligated to act independently with integrity. Provisions have therefore been made in the constitution to formulate its own service regulation independent to the conditions of service of the other state employees. The amending regulations takes away the independence of the said Public Service Commission since the political executives of the state shall have control over the service of the employees of the Public Service Commission.

24. Petitioners state that in fact employees of the Public Service Commission, West Bengal and the employees of the State Government are not even the same cadre, that there can be incidents of transfer. Public Service Commission, West Bengal is the appointing authority in respect of the employees

of the commission. Therefore, state of West Bengal does not have any authority to interfere the service of the employees of the public service commission either in the matter of transfer or anything which is incidental to the service of those employees of the commission. The service of the employees of the Public Service Commission is constitutionally protected under Article 318 which has to be exercised in good faith.

25. Petitioners state that the employees of the commission belong to a separate cadre which has no nexus with the employees of the state. Provisions of the impugned amendment empower the state to transfer and posting of a employee of the commission to any place of the state employment which is completely different cadre and is not permissible in law and thus, liable to be set aside.

26. Petitioners state that amending Regulation 33 ultra vires the proviso to Article 318 of the Constitution of India since the said regulation changes the conditions of service to the disadvantage of the existing employees of the Commission. In as much as the said Regulation 33 empowers the State to transfer an officer or staff of the Commission to any place as per their convenience whereas in terms of un-amended regulation of 1953 state has no role play in respect

of place of posting of the existing officers and other staffs of the Public Service Commission.

27. Petitioners state that amending provision frustrates the object behind the establishment of the commission. In as much as successful working of the Public Service Commission as the impartial and efficient instrument of the State depends on the stability and security of the commission and its employees.

28. It would not be out of place to mention here that the credibility of the institution like Public Service Commission is founded upon the faith of the common man in its proper functioning. The faith would be eroded and confidence destroyed if it appears that the members and staffs of the Commission act subjectively and not objectively or that their actions are suspect. Society expects honesty, integrity and complete objectivity from the members and staffs of the Commission. The Commission must act fairly, without any pressure or influence from any quarter, unbiased and impartially, so that the society does not lose confidence in the Commission. The high constitutional trustees, like the members and staffs of the Public Service Commission must forever remain vigilant and conscious of these necessary adjuncts.

29. Petitioners state that the incursion by the State into the domain of the Public Service Commission through overt and covert means becomes crystal clear from the report dated March 11, 2017 published by the Ananda Bazar Patrika. In terms of the said report, the State Government has sought names from Members of Legislative Assembly belonging to the ruling political party from their individual constituencies for appointment to the post of Group D under the State Government. Copy of the said report is annexed hereto and marked as Annexure P14.

30. Petitioners state that the Public Service Commission, West Bengal conducts several recruitment processes per year. The unemployed youth of the State have a right to a fair and transparent selection process for appointment under the State. Unless the independence of the Public Service Commission, West Bengal is restored and upheld thousands of deserving candidates may be left out and the impartiality of the Civil Servants of the state will be severely compromised. Therefore there is sufficient public interest in the matter apart from the fact that all those persons may not be even able to approach this Hon'ble Court In as much as the systematic break down of the Commission is in fact unknown to many.

31. Your Petitioners thus have no other equally effective, suitable, speedy, efficacious, inexpensive and adequate alternative remedy and the reliefs prayed for, if granted, will be adequate.

32. Unless therefore the reliefs prayed for herein are granted, even in the interim and ad interim forms, your Petitioners will be severely prejudiced and suffer irreparable injury which cannot be compensated for in money value. There is great urgency in the matter since the respondents are trying to appoint less disserving candidates in different posts of the state.

33. Your Petitioners have taken out no other writ application on the self same cause of action.

34. Your Petitioners crave reference to the statute and to make appropriate submissions of law at the time of hearing.

35. This application is made bona fide and for the ends of justice.

36. Being aggrieved by and dissatisfied with the impugned acts and culpable omissions of the Respondent authorities aforesaid, your Petitioners beg to move your Lordship on the following amongst other

G R O U N D S

- I. For that assault on the independence of the Public Service Commission, West Bengal started while by a notification dated January 31, 2012 the state of West Bengal promulgated the West Bengal Staff Selection Commission Act, 2011. Perusal of the Act of 2011, particularly Section 3 (5), 6(1), 6(2) 13, 14, 15 and 16 of the Act reveals that the State has complete control of the functioning of the said Commission and it reduces the functions of the West Bengal Public Service Commission.

- II. For that there is no comparable provision like Article 317 and 319 of the Constitution of India guaranteeing the independence of the said Staff Selection Commission. The so called staff selection commission is a subsidiary body of the State Government. Clearly Section 2(5), Section 5, proviso to section 6(1), section 8 and Section 16 render the whole act unworkable and therefore appropriate order must be passed by striking down the Act of 2011 in its entirety.

- III. For that the said Act of 2011 is a piece of colorable legislation In as much the purpose of the said Act of 2011 is to erode the Constitutional protection afforded to public

appointments by encroaching upon the domain of Public Service Commission in regard to public appointment.

IV. For that establishment of Administrative Training Institute, West Bengal Staff Section Commission, West Bengal Health Recruitment Board for recruitment in different Civil Service to take away the functioning of the Public Service Commission without extending similar independence as provided in Part XIV chapter II of the Constitution of India amounts to fraud on Constitution of India and are liable to be set aside.

V. For that by an order dated October 1, 2008 the state government decided to include selection of Group D post within the purview of Public Service Commission, West Bengal to ensure transparency in the process of selection whereas after change of political colour in the state the newly formed government started interfering with the functioning of the Public Service Commission, West Bengal and/ or made all efforts to reduce the functioning of the said Commission which is apparent from the aforesaid conducts.

VI. For that as stated above following the recommendation of the report of the administrative reforms committee and to bring transparency in the process of selection, recruitment of

Group D post was included in the functions of the Public Service Commission. No extra ordinary situation has / had arisen for excluding those functions of Public Service Commission except political compulsion.

VII. For that it would not be out of place to mention here that in the year 2010 the Public Service Commission, West Bengal smoothly conducted recruitment process for group D employees. Around fourteen lakhs participants participated in the said selection process. After change of political colour in the state the newly formed government decided not to appoint those selectees who were selected through a transparent process of selection and only after being succeeded in the legal battle those selectees were appointed. Therefore, malafide action which latent from the beginning is patent from subsequent actions. Petitioner craves leave to produce records in support of the aforesaid statement.

VIII. For that aforesaid conducts relating to curbing powers and functions of the Public Service Commission were deprecated by the Public Service Commission by a letter dated May 30, 2012. By the said letter the Public Service Commission had in fact objected to such transfer of its core function like conducting of departmental examinations to a subsidiary body of the State. Furthermore the Public Service

Commission also requested the State Government to reconsider the decision of shifting the recruitment of Group B and C staff on several occasions. Since the motive of the state respondents is to reduce transparency in the process of employment the representation of public service commission was not even considered.

IX. For that the neither the State Government nor the Legislature of the State has the competence to issue any notification or enact any law which has the effect of transferring the essential functions of the Public Service Commission to a body without similar Constitutional safeguards of independence. In as much as the very object of Constitution of shielding public servants from political compulsions stands frustrated. State respondents acted illegally by transferring the function relating to making/ recommending public appointments and/ or matters incidental to public service from an independent body like public service commission to those bodies having no independence. Therefore, those decisions are liable to be set aside.

X. For that however the State Government not being satisfied with the gradual denudation of the Public Service Commission firstly chose to reduce the number of members of

the Commission from ten to six and also abolished 297 posts in the secretariat of the commission. Thereafter, the state respondents chose to make political appointees to the Commission so as to bring the Commission totally under its control. In terms of a news report dated December 25, 2012, as posts of two members fell vacant in the Commission, Debopriya Mullick and one Dipankar Dasgupta were appointed. The said Debopriya Mullick is the brother of food and supplies minister Jyotipriya Mullick while the said Dipankar Dasgupta was a retired PSU official who was said to be close to education minister Partha Chatterjee.

- XI. For that it was reported in Ananda Bazar Patrika dated August, 21, 2014 that even before publication of results by the Commission, the paper of a particular candidate was reviewed and her number was increased. Petitioner has come to learn from reliable sources that litigation is pending in respect of the said illegal review. It is very much clear that such action is result of nepotism and favoritism imported into the commission by the political appointees.
- XII. For that from a report dated January 17, 2015 published in Anandabazar Patrika, it would appear that the aforesaid political appointees in the Commission sought for details of the WBCS candidates seven days prior to their

interview in gross violation of norms relating to secrecy of the selection process and decency. The said news report created ripples in the society and shattered the faith of the public upon the Commission so far its independence and impartiality was concerned.

XIII. For that in the month of February, 2015 Nurul Haque, the Hon'ble Chairman of the Commission was compelled to resign from the Commission since the said chairman refused indulge any nepotism in the selection process as demanded by the said Debopriyo Mullick and Dipankar Dasgupta as reported on February 27, 2015 in the news report published in The Telegraph as well as in the news report published in Times of India on April 23, 2015.

XIV. For that it is matter of great concern that one of those two political appointees, namely Dipankar Dasgupta is still continuing as a member of the Commission. In fact at the instance of Debopriya Mullick decision was taken to merge different sections of the Commission into one Recruitment Section. Needless to mention here that the said Debopriyo Mullick having allegiance with the ruling party of the state was in fact dominating in the decision making process of the commission. Such move was taken deliberately so that confidentiality of each section could be torn down. For

example in the earlier set up the matters of recruitment of Judicial Officers was unknown to the rest of the employees of the Commission working on recruitment of Executive Officers and vice versa. Now each employee of the Commission has knowledge of recruitment to each and every branch of the State, thereby increasing the chance of breach of confidentiality of the recruitment process. The said decision was taken arbitrarily with a malafide intention to ensure political interference in the matter of recruitment.

- XV. For that the State Government once again chose to appoint a political appointee namely Prof.(Dr.)Subhrangsu Shekhar Chatterji as the Chairman in 2016. In as much as the said Dr. Subhrangsu Sekhar Chatterji was a member and assistant secretary of West Bengal College & University Professors' Association (WBCUPA), a body having allegiance to the All India Trinamool Congress.
- XVI. For that the said Dr. Subhrangsu Sekhar Chatterji is a man of questionable integrity.
- XVII. For that society expects honesty, integrity and complete objectivity from the members and staffs of the Commission. The present Chairman in question has no integrity and / or honesty as observed by the Hon'ble Division Bench of this

Hon'ble Court cannot therefore, be suitable for the said post. In fact he has suffered a cost of Rs. 10,000 for suppression of material fact before this Hon'ble Court. In other words credibility of the commission would be eroded and confidence destroyed if such person remains in the post of chairman of the commission. Therefore appropriate order is required to be passed by declaring the appointment of the said chairman is illegal.

XVIII. For that it was difficult for Two three members to control over all members and staffs of the Public Service Commission and thus, with a oblique motive to take away the whole independence of the Public Service Commission by a notification dated December 26, 2016 the State Government amended the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 and thereby inserted Regulation 33 in the said Regulation.

XIX, For that the newly incorporated regulation 33 of the said Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 empowers the respondent State to determine the number of members and/or staffs of the Public Service Commission. Employees of the Public Service Commission including officers and other staffs may be transferred by the state as per its whims.

Therefore, incorporation of the said provision was nothing but to keep control over the officers and staffs of the Public Service Commission.

XX. For that Public Service Commission, West Bengal works for finding out the best talent for the State Public Services without any political influence and other extraneous considerations. The said commission is constitutionally obligated to act independently with integrity. Provisions have therefore been made in the constitution to formulate its own service regulation independent to the conditions of service of the other state employees. The amending regulations takes away the independence of the said Public Service Commission since the political executives of the state shall have control over the service of the employees of the Public Service Commission.

XXI. For that in fact employees of the Public Service Commission, West Bengal and the employees of the State Government are not even the same cadre, that there can be incidents of transfer. Public Service Commission, West Bengal is the appointing authority in respect of the employees of the commission. Therefore, state of West Bengal does not have any authority to interfere the service of the employees of the public service commission either in the matter of transfer or

anything which is incidental to the service of those employees of the commission. The service of the employees of the Public Service Commission is constitutionally protected under Article 318 which has to be exercised in good faith.

XXII. For that the employees of the commission belong to a separate cadre which has no nexus with the employees of the state. Provisions of the impugned amendment empower the state to transfer and posting of a employee of the commission to any place of the state employment which is completely different cadre and is not permissible in law and thus, liable to be set aside.

XXIII. For that amending Regulation 33 ultra vires the proviso to Article 318 of the Constitution of India since the said regulation changes the conditions of service to the disadvantage of the existing employees of the Commission. In as much as the said Regulation 33 empowers the State to transfer an officer or staff of the Commission to any place as per their convenience whereas in terms of un-amended regulation of 1953 state has no role play in respect of place of posting of the existing officers and other staffs of the Public Service Commission.

XXIV. For that amending provision frustrates the object behind the establishment of the commission. In as much as successful working of the Public Service Commission as the impartial and efficient instrument of the State depends on the stability and security of the commission and its employees.

XXV. For that it would not be out of place to mention here that the credibility of the institution like Public Service Commission is founded upon the faith of the common man in its proper functioning. The faith would be eroded and confidence destroyed if it appears that the members and staffs of the Commission act subjectively and not objectively or that their actions are suspect. Society expects honesty, integrity and complete objectivity from the members and staffs of the Commission. The Commission must act fairly, without any pressure or influence from any quarter, unbiased and impartially, so that the society does not lose confidence in the Commission. The high constitutional trustees, like the members and staffs of the Public Service Commission must forever remain vigilant and conscious of these necessary adjuncts.

XXVI. For that the incursion by the State into the domain of the Public Service Commission through overt and covert means becomes crystal clear from the report dated March 11,

2017 published by the Ananda Bazar Patrika. In terms of the said report, the State Government has sought names from Members of Legislative Assembly belonging to the ruling political party from their individual constituencies for appointment to the post of Group D under the State Government.

XXVII. For that the Public Service Commission, West Bengal conducts several recruitment processes per year. The unemployed youth of the State have a right to a fair and transparent selection process for appointment under the State. Unless the independence of the Public Service Commission, West Bengal is restored and upheld thousands of deserving candidates may be left out and the impartiality of the Civil Servants of the state will be severely compromised. Therefore there is sufficient public interest in the matter apart from the fact that all those persons may not be even able to approach this Hon'ble Court In as much as the systematic break down of the Commission is in fact unknown to many

XXVIII. For that the impugned acts and culpable omissions on the part of respondent authority are arbitrary, illegal, unreasonable, unlawful, perverse within the meaning of law, whimsical, capricious, cannot be sustained in law and cannot

be suffered to continue and ought to be corrected by way of judicial review.

In the above facts and circumstances your Petitioners prays most humbly that your Lordships will be graciously pleased to

- a. Issue a Writ of / in the nature of Mandamus by declaring that the provision of regulation 33 of Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953 ultra vires the Constitution of India and accordingly set aside the said provision.
- b. Issue a writ of declaration by declaring that the state acted illegally in reducing the powers and functions of the West Bengal Public Service Commission.

- c. Issue a Writ of / in the nature of Mandamus by declaring that the provision of section 3(5), 5, 6, 8, 14, 15 and 16 of the West Bengal Staff Selection Commission Act 2011 is illegal so long the said commission is vested with the functioning for recruitment in different posts including civil posts and accordingly set aside the West Bengal Staff Selection Commission Act 2011.
- d. A writ of mandamus by declaring that the appointment of Prof.(Dr.)Subhrangsu Shekhar Chatterji as chairman of Public Service Commission, West Bengal is illegal and set aside the said appointment.
- e. A writ of mandamus by declaring that the appointment of Dipankar Dasgupta who has political allegiance with the ruling political party as member of Public

Service Commission, West Bengal is illegal and set aside the said appointment.

- f. Writ of Mandamus by setting aside the decisions by which the state government has decided to take away the function of Public Service Commission in conducting the departmental examinations in case of Indian Administrative Service and West Bengal Civil Service (Exe) officer.
- g. A Writ of Mandamus by setting aside the notification dated No. 1520-PAR (Genl.) dated 3rd September, 2012 and the Memo No. 2145-F(P) dated March 13, 2013 by which it was decided to transfer the function of recruitment to Group B and C posts from the Public Service Commission, West Bengal to the so called West Bengal Staff Section Commission.

- h. A Writ of Mandamus by setting aside the notification No. HF/O/GA/2378/2E-04/11 Pt.I dated August 1, 2012 read with notification No. 4969-F(P) dated June 20, 2013 by which the State Government transferred recruitments under the Health Department from Public Service Commission, West Bengal to another newly constituted body namely, West Bengal Health Recruitment Board.
- i. A Writ of Mandamus by setting aside the amending regulations vide Notification No. 7335-F(P) dated August 27, 2012, Notification No.4969-F(P) dated June 20, 2013 and Notification No.5067-F(P) dated September 26, 2014.
- j. Writ of declaration declaring that decision of the state to reduce the

number of members of the Commission from ten to six and also abolished 297 posts in the secretariat of the commission is illegal and pass consequential order setting aside those decisions.

- k. Issue Rule Nisi in terms of prayers a), b), c), d), e), f), g), h), i) and j) above.
- l. Pass an interim order by restraining the respondents to take any decision in terms of impugned regulation 33 of Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953.
- m. Pass an interim order by staying the operation of the West Bengal Staff Selection Commission Act 2011 and thereby allowing the Public Service Commission, West Bengal to conduct all selection in respect of group B, C and D posts

until disposal of this writ application.

- n. Pass interim order by staying the operation of notification dated August 1, 2012 and notification dated June 20, 2013 by which power of conducting recruitment process in the department of health was given to the West Bengal Health Recruitment Board.
- o. Pass an interim order by staying the operation of the Notification No 28-PAR (Trg.)/HR/O/3T-65/09, dated January 27, 2012 by which the function of the Public Service Commission in conducting the departmental examinations in case of Indian Administrative Service and West Bengal Civil Service (Exe) officer were transferred to Administrative Training Institute.

- p. Pass an ad-interim order in terms prayers (l), (m), (n) and (o) above.
- q. Pass such other and/or further order(s)/ direction(s) as may seem fit and proper.

And for this Act of Kindness, your Petitioners as in Duty Bound,
Shall Ever Pray.

AFFIDAVIT

I, Ramchandra Bhattacharjee, son of Late Sontosh Kumar Bhattacharjee, aged about 63 years, by faith Hindu, by occupation - Retired from service, residing at 118 E/ 1B Ananda Palit Road, Kolkata 700014, do hereby solemnly affirm and say as follows :

1. That I am Petitioner in the instant application. I am fully acquainted with the facts and circumstances of the case out of which present application arises. I am competent to sign, verify, and affirm this affidavit. *I am duly authorised by the other petitioner to affirm this affidavit on his behalf.*
2. That the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7(part), 8, 9(part), 10, 11(part), 12(part), 13, 14(part), 16(part), 17, 18(part), 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 35 and 36 are true to my knowledge, those made in paragraphs 7(part), 9(part), 11(part), 12(part), 16(part), 18(part) and 19 are derived from records, which I verily believe to be true, those made in paragraphs 14(part), 15 and 29 are derived from news paper report, which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

Prepared in my office

Nepesh Majhi
Advocate.

Sd/ Ramchandra Bhattacharjee

The Deponent is known to me

Gipali Mondal (M-83)
Clerk to : *M. C. Mondal*
Advocate

I certify that all annexure are legible

Nepesh Majhi
Advocate

Solemnly affirmed before me on

this the 18th day of April, 2017.

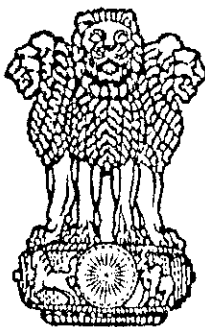
Sd/
Commissioner

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Annexure-'P1'

Registered No. WB/SC-247

No. WB(Part-III)/2012/SAR-7

The
Kolkata  **Gazette**
सत्यमेव जयते

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TUESDAY, JANUARY 31, 2012

[SAKA 1933

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 145-L. 31st January, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVII of 2011

**THE WEST BENGAL STAFF SELECTION COMMISSION
ACT, 2011.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 31st January, 2012.]

An Act to provide for constitution of the West Bengal Staff Selection Commission for direct recruitment of prescribed categories of posts and services in the State Government establishments and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for constitution of the West Bengal Staff Selection Commission for direct recruitment of prescribed categories of posts and services in the State Government establishments and for matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-second Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Staff Selection Commission Act, 2011.

The West Bengal Staff Selection Commission Act, 2011.

(Sections 2-4.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Appointing authority", in relation to a Government servant, means—
- (i) the authority empowered to make appointments to the services of which the Government servant is for the time being a member or to the grade of the service in which the Government servant is for the time being included, or
 - (ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or
 - (iii) the authority which appointed the Government servant to such service, grade or post, as the case may be, or
 - (iv) where the Government servant having been a permanent member of any other service or having substantially held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to such service or to any grade in that service or to that post,
- whichever authority is the highest authority;
- (b) "Commission" means the West Bengal Staff Selection Commission;
- (c) "Direct recruitment" means the method of recruitment provided under the rules regulating the recruitment to the post and services under the Government of West Bengal as may be specified, by notification;
- (d) "member" means a member of the Commission and includes the Chairperson;
- (e) "notification" means a notification published in the *Official Gazette*;
- (f) "prescribed" means prescribed by rules made under the Act;
- (g) "regulations" means regulation made under section 14;
- (h) "Secretary-cum-Controller of Examinations" means the Secretary-cum-Controller of Examinations of the Commission;
- (i) "State Government" means the Government of West Bengal.

Constitution of Commission

3. (1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute a Commission by the name of the West Bengal Staff Selection Commission.

(2) The West Bengal Staff Selection Commission shall consist of a Chairperson and not more than two members. The Chairperson shall be administrative head of the Commission and shall have the powers of the Head of the Department.

(3) The place of sitting of the Commission and its jurisdiction shall be such as the State Government may, by notification, specify.

(4) The Commission may have one or more regional offices at such places, which the State Government may, by notification, specify. The functions of the regional offices shall be such as may be specified in the regulations.

(5) The Commission shall function under the administrative control of the State Government in the Department of Personnel and Administrative Reforms.

Appointment, and terms and conditions of service of members.

4. (1) The Chairperson and other members of the Commission shall be appointed by the State Government.

(2) The Chairperson and other members of the Commission shall hold office for a period of five years or till he attains the age of 62 years, whichever is earlier.

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The West Bengal Staff Selection Commission Act, 2011.

(Sections 5, 6.)

(3) In case an officer appointed as Chairperson or member of the Commission retires on superannuation before completing the tenure of five years, he shall be deemed to be on re-employment for the remaining period of tenure subject to maximum of his attainment of the age of superannuation i.e. 62 years.

(4) If the office of the Chairperson or any other member becomes vacant by reason of resignation or otherwise or if the Chairperson is, by reason of absence or for any other reason, unable to perform the duties of the Chairperson and other members, as the case may be, those duties shall be performed by such other members as the State Government may appoint in this behalf.

(5) The Chairperson and any other member may resign from his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government, or the Central Government, as the case may be, in accordance with the provisions of relevant service rules, if any.

(6) The terms and conditions of service of the Chairperson and members shall be such as may be prescribed.

Staff of Commission.

5. (1) The staff of the Commission shall consist of—

- (a) a Secretary-cum-Controller of Examinations who shall be appointed by the State Government, and
- (b) such other employees as the State Government may appoint from time to time against the posts sanctioned by the Government.

(2) The salary of the Secretary-cum-Controller of Examinations and other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service of—

- (a) the Secretary-cum-Controller of Examinations shall be such as may be prescribed;
- (b) other employees of the Commission shall be such as may be provided for by the regulations.

Functions of Commission

6. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (3), it shall be duty of the Commission to select persons for direct recruitment to such categories of posts and services in the State Government establishments as may be prescribed:

Provided that for selection of persons for appointment to the posts and services, the Commission shall be aided by two persons nominated by the concerned appointing authorities at the stage of interview.

(2) It shall be the duty of the Commission to perform such other functions as the State Government may, by notification, specify. These types of functions may include Departmental Examinations for promotion, if any, to the categories of posts for which Commission makes the recruitment, periodical typing test in English and Bengali on computer and advice the State Government on such matter as may be referred to it.

(3) Nothing in this section shall apply to direct recruitments to the posts or services, which are—

- (a) required to be made through the Public Service Commission, West Bengal;
- (b) filled up from the candidates belonging to the exempted categories which has been declared or is declared by the State Government by notification issued in exercise of the power conferred by section 3 of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertaking, Statutory Bodies, Government Companies and Local Authorities Act, 1999;
- (c) excluded from the purview of this Act by the State Government by notifications.

West Ben. Act XIV of 1999.

*The West Bengal Staff Selection Commission Act, 2011.**(Sections 7-13.)*

Manner of selection of persons and procedure for conduct of business of Commission, and certain special provisions of intimation of vacancies to Commission and advertisement.

7. (1) The manner of selection of persons for appointment to the posts and services as prescribed under sub-section (1) of section 6, shall be such as may be provided for by the regulations.

(2) The procedure for conduct of business of the Commission shall be such as may be provided for by the regulations.

(3) In particular and without prejudice to the provisions of sub-section (2), the Department of the State Government or the Head of such Departments shall every year intimate the Commission the number of vacancies including those anticipated in course of the year within such time, and in such manner, as may be provided for by regulations.

(4) On receipt of intimations of vacancies under sub-section (3), the Secretary-cum-Controller of Examinations of the Commission shall, in consultation with the Chairperson, issue an advertisement in the leading local newspapers inviting applications from eligible candidates for appearing in the direct recruitment in such manner as may be provided for by regulations.

Effect of recommendations of Commission.

8. Notwithstanding anything contained in any other law for the time being in force, recruitment to the posts and services, except the post or services falling under sub-section (3) of section 6, shall be made on the recommendation of the Commission.

Fees.

9. The Commission may, for the purpose of discharging its functions of selecting persons for direct recruitment to the posts and services in the State Government establishments as prescribed under sub-section (1) of section 6, levy such fees as may be provided for by regulations:

Provided that the candidates belonging to Scheduled Castes and Scheduled Tribes shall be exempted from paying such examination fees.

Power to call for records.

10. The Commission may call for any record, report or information from any appointing authority or the State Government, if in its opinion, such record, report and information is necessary for efficient discharge of its functions and the concerned authorities shall furnish such record, report or information to the Commission.

Members etc. to be public servants.

11. The Chairperson and other members and persons appointed under the Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Validation.

12. The proceedings of the Commission shall not be invalidated by reasons of any vacancy in the office of the Chairperson or any other member.

Power to make rules.

13. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions of sub-section (1), such rules may provide for all or any of the following matters: --

(a) the terms and conditions of the service of Chairperson and other members of the Commission under sub-section (6) of section 4;

(b) the terms and conditions of service of the Secretary-cum-Controller of Examinations of the Commission under clause (a) of sub-section (3) of section 5;

(c) any other matter which may be or is required to be prescribed.

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

The West Bengal Staff Selection Commission Act, 2011.

(Sections 14-17.)

Power to make regulations.

14. (1) The Commission may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters:—

- (a) the terms and conditions of service of the employees of the Commission under clause (b) of sub-section (3) of section 5;
- (b) the manner of selection of persons for appointment and the procedure for the conduct of business of the Commission under section 7;
- (c) the levy of fee under section 9.

Direction by State Government.

15. In the discharge of its functions, the Commission shall be guided by such directions not inconsistent with the provisions of this Act, as may be given to it by the State Government from time to time.

Dissolution of Commission.

16. (1) If the State Government is of the opinion that the Commission has failed to discharge its functions under this Act in accordance with the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, and stating the reasons therefor, dissolve the Commission with effect from such date as may be specified in the order.

(2) Upon dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.

(3) The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

Power to remove difficulties.

17. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of coming into force of this Act.

By order of the Governor,

B. K. SRIVASTAVA,
Secy.-in-charge to the Govt. of West Bengal.
Law Department.

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Annexure P 2

GOVERNMENT OF WEST BENGAL
Department of Personnel & Administrative Reforms

NOTIFICATION

No. 530-PAR (Genl.)

Dated, Kolkata, the 3rd September, 2012

In terms of section 6(1) of the West Bengal Staff Selection Commission Act, 2011, the Governor has pleased to order that the West Bengal Staff Selection Commission would make recruitment to all Group-B and Group-C posts excepting the following categories:

- (i) Group-B posts which are recruited through the Miscellaneous Services Recruitment Examination by Public Service Commission, West Bengal;
- (ii) Posts of Lower Division Assistant / Clerk in the Secretariat, Directorates and certain other offices i.e. Office of the Superintendent, Government Printing, D.G. Transportation, Chief Inspector of Smoke Nuisances, Commissioner for Workman's Compensation, Industrial Tribunal, Public Vehicles Department, Kolkata Pay & Accounts Office - which are recruited through Public Service Commission, West Bengal;
- (iii) Stenographers recruited through Stenographers' Recruitment Examination conducted by the Public Service Commission, West Bengal;
- (iv) Certain other posts which are recruited through the Public Service Commission, West Bengal according to the recruitment rules framed or amended prior to coming into force of the West Bengal Public Service Commission (Exemption from Consultation) Regulation, 2008; and
- (v) Posts for which recruitment is to be made by West Bengal Police Recruitment Board; Kolkata Police Recruitment Board and West Bengal Health Recruitment Board.

By Order of the Governor
Sd/- I. Pandey.
Secretary to the
Government of West Bengal

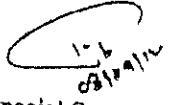
Contd... P/2

No. : 1520/1(24)-PAR (Genl.)

Dated, Kolkata, the 3rd September, 2012

Copy forwarded for information and necessary action to:

1. ✓ The Secretary, West Bengal Staff Selection Commission, Mayukh Bhavan, Salt Lake, Kol-91.
2. The Secretary, Finance Department.
3. The Additional Chief Secretary / Principal Secretary / Secretary, _____ Department.
4. The Resident Commissioner, Government of West Bengal, A/2, State Emporia Buildings, Baba Kharak Singh Marg, New Delhi-110 001.
5. The Commissioner, _____ Division.
6. The District Magistrate / Judge _____ District.
7. The Sub-Divisional Officer, _____
8. The Treasury Officer, _____
9. The Superintendent of Police, _____
10. The Principal, Industrial Training Institute, _____
11. The Superintending Engg./Exe. Engg. _____
12. The Secretary, Public Service Commission, 161-A, S.P. Mukherjee Road, Kolkata-700 026.
13. The Secretary, West Bengal Information Commission, 2nd Floor, Bhabani Bhaban, Alipore, Kolkata-700027.
14. The Secretary, Vigilance Commission, West Bengal, Bikash Bhavan, Salt Lake, Kolkata-91.
15. The Director, Administrative Training Institute, FC-Block, Sector-III, Kolkata-700106.
16. Director of Treasuries & Accounts, West Bengal, New India Assurance Buildings, 4, Lyons Range, Kolkata-700001.
17. The Accountant General (A & E), West Bengal, Treasury Buildings, 2, Government Place West, Kolkata-700 001.
18. Principal Accountant General (Audit), West Bengal, Treasury Buildings, 2, Government Place West, Kolkata-700001.
19. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-1, 81/2/2, Phears Lane, Kolkata-12.
20. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, Jawahar Building, P-1, Hyde Lane, Kolkata-700073.
21. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-III, I.B. Market, 1st Floor, Sector-III, Bidhannagar, Salt Lake City, Kolkata-700 091.
22. The Sr. P.S. to the Chief Secretary to the Govt. of West Bengal.
23. The Sr. P.S. to the Secretary, P. & A.R. Department.
24. Guard file.


Special Secretary to the
Government of West Bengal

Annexure P2A

Government of West Bengal
Finance Department
Audit Branch

No. 2145-F(P)

Kolkata, the 13th March, 2013

From : Shri A.K. Das,
OSD & Ex-Officio Joint Secretary
to the Government of West Bengal.

To : The Secretary,
Public Service Commission, W.B.
161-A, S.P. Mukherjee Road,
Kolkata - 700026.

Sub : Delinking of Gr. 'B' and Gr. 'C' posts and services from the purview of PSC,
W.B. by effecting amendment to WB P.S.C. (Exemption from consultation)
Regulation; 2008.

Sir,

I am directed to refer to your letter No. 131-PSC(S&R), dated 05.07.2012 in which the Commission has desired to continue to make direct recruitment to the posts and services under Gr.'B' and Gr. 'C' categories which were traditionally under the purview of the Commission prior to 2008 in which year all categories of erstwhile non-PSC posts were also brought within the ambit of PSC.

Accordingly, Notification regarding delinking of all other Gr.'B' and Gr.'C' posts excepting those as above has been issued under Finance Deptt's No.7335-F(P), dt. 29.08.2012.

Now, it has been decided to exclude all categories of Gr.'B' and Gr.'C' posts from the purview of Public Service Commission which are still with them after issuance of the said Notification.

Accordingly, I am directed to make this second reference for consent of the Commission.
This may be treated as extremely urgent.

Encl: As above.

Yours faithfully,

OSD & Ex-Officio Joint Secretary
to the Government of West Bengal.

Su/

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Annexure P3

Government of West Bengal
Finance Department
Audit Branch
Writers' Buildings, Kolkata-700001.

No. 7335-F(P) Dated: 27.08.2012

NOTIFICATION

In exercise of the power conferred by the proviso to clause (3) of article 320 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendment in the West Bengal Public Service Commission (Exemption from Consultation) Regulation, 2008, issued with this Department Notification No. 9103-F dated the 3rd December, 2008, as subsequently amended, published in the Kolkata Gazette, extraordinary, PART-I, dated the 22th December, 2008 (hereinafter referred to as the said regulations):-

AMENDMENT

In the said regulations, in regulation 17, in the Table for serial No. 26 in column (1) and the entries relating thereto in column (2), substitute the following serial nos. and the entries relating thereto in column (1) and column (2), respectively:-

"26. Mazdoor in different department;

27. All group B and group C posts excepting the following categories :-

- (i) Group B posts which are recruited through the Miscellaneous Services Recruitment Examination;
- (ii) Posts of Lower Division Assistant / Clerk in the Secretariat, Directorates and certain other offices i.e. Office of the Superintendent, Govt. Printing, D.G. Transportation, Chief Inspector of Smoke Nuisances, Commissioner for workman's Compensation, Industrial Tribunal, Public Vehicles Department, Kolkata Pay & Accounts Office;
- (iii) Stenographers recruited through Stenographers Recruitment Examination, conducted by the Commission and
- (iv) Certain other posts which are recruited through the Commission, according to the recruitment rules framed or amended prior to coming into force of the said regulations."

By Order of the Governor

Sd/- H.K. Dwivedi
Secretary to the Govt. of West Bengal

ST

Government of West Bengal
Finance Department
Audit Branch

NOTIFICATION

No. 4959-F(P) the 20th June, 2013. - In exercise of power conferred by the proviso to clause (3) of article 320 of the Constitution of India and in supersession of all previous notifications on the subject, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Public Service Commission (Exemption from Consultation) Regulations, 2008, issued with this Department notification No. 9103-F, dated the 3rd December, 2008, as subsequently amended, published in the Kolkata Gazette, Extraordinary, PART I, dated the 22nd December, 2008 (hereinafter referred to as said regulations):-

Amendments

In the said regulations, in regulation 17, in the Table, after serial No.27 in column (1) and the entries relating thereto in column (2) insert the following serial No. and the entries thereto in column (1), and column (2), respectively:

All the following posts :-

28. (i) Director /Additional Director/ Joint Director/ Deputy Director/Deputy Director (Tech) /Assistant Director of all the Directorates and other establishments;
- (ii) General Duty Medical Officer /Medical Officer/ Medical Officer (Specialist);
- (iii) Clinical Psychologist;
- (iv) Medical Officer (Acupuncture);
- (v) Assistant Superintendent (Non-Medical);
- (vi) Physicist-Cum-Radiation Safety Officer;
- (vii) Radiologist;
- (viii) Senior Inspector of Drugs/ Inspector of Drugs;
- (ix) Senior Research Officer /Junior Research Officer;
- (x) Senior Scientific Officer /Scientific Officer;
- (xi) Senior Scientific Assistant /Scientific Assistant/ Junior Scientific Assistant;
- (xii) Senior Technical Assistant / Technical Assistant/ Junior Technical Assistant;
- (xiii) Laboratory Assistant /Technician;
- (xiv) Animal Keeper;
- (xv) Laboratory Attendant;
- (xvi) Inspector of the Directorate of ISM Drug Control;
- (xvii) Special Officer of Unani / Medical Officer of Unani;
- (xviii) Statistician;
- (xix) Principal Nursing Officer /Principal/ Vice Principal of Nursing Schools/ teaching establishments;
- (xx) Nursing Practitioner;
- (xxi) PHNO;

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- (xxxi) Nurse Tutor;
- (xxdii) Health Education Officer;
- (xxiv) Clinical Instructor/ Demonstrator of Nursing;
- (xxv) Senior Nursing Educator, / Junior Nursing Educator, Neonatal Unit;
- (xxvi) Professor / Reader /Senior Lecturer /Clinical Instructor of Nursing;
- (xxvii) Deputy Manager (Ay);
- (xxviii) Deputy Manager (Homoeo);
- (xxix) Plant Survey Officer;
- (xxx) Administrative Officer of State Pharmacopoeial Laboratory for Indian Medicine;
- (xxxi) Apothecary-in-charge / Apothecary/ Assistant Apothecary;
- (xxxii) Analyst;
- (xxxiii) Foreman;
- (xxxiv) Production Supervisor;
- (xxxv) Machine Operator;
- (xxxvi) Electrician;
- (xxxvii) Power Tiller Operator;
- (xxxviii) Resident Medical Officer of Homoeopathy / Deputy Medical Superintendent under the Directorate of Homoeopathy;
- (xxxix) Principal/ Professor / Reader/ Lecturer under the Directorate of Homoeopathy;
- (xl) Inspector of Homoeopathy;
- (xli) Inspector of Ayurveda / Special Officer of Ayurveda/ Senior Ayurveda Medical Officer;
- (xlii) Pharmacist / Pharmacist (Gr III);
- (xliii) Principal-Superintendent/ Superintendent/ Deputy Superintendent / Superintendent and ex-officio Professor / Registrar-cum-House Physician/ Resident - Surgeon/ R.P/R.M.O of JB Roy State Ayurvedic MCH / Institute of PG Ayurvedic Education Research/ Viswanath Ayurveda Mahavidyalaya;
- (xliv) Professor / Reader /Lecturer of JB Roy State Ayurvedic MCH;
- (xlv) Assistant Professor of Sanskrit;
- (xlvi) Pathologist / Clinical Pathologist;
- (xlvii) Anaesthetist;
- (xlviii) Ward Master/ Ward Master (Gr. III);
- (xlix) Tailor;
- (l) Painter;
- (li) Carpenter;
- (lii) Massegist;
- (liii) Driver / Driver-Grade-II;
- (liv) Gardener;
- (lv) Nurse;
- (lvi) X-ray Assistant/Technician;
- (lvii) Laboratory Assistant/Technician;
- (lviii) Apothecary Bearer;
- (lix) Dome / Cleaner /Cleaner-cum-Dom;
- (lx) Washman;
- (lxi) Machine Operator;

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- (lxii) Laboratory Attendant;
 (lxiii) Assistant Superintendent (Non-Medical);
 (lxiv) M.T (Optometry)(Gr-III) / M.T (Lab)(Gr-III)/ M.T (X-ray)(Gr-III)/
 M.T (ECG, EEG, EMG)(Gr-III) /M.T (ITU)(Gr-III)/ M.T
 (Audiometric Technician (Gr-III)/ M.T (Dental)(Gr-III);
 (lxv) Physiotherapist (Gr-III);
 (lxvi) Health Assistant (Male);
 (lxvii) Linen Keeper;
 (lxviii) Tinsmith;
 (lxix) Dresser;
 (lxx) Taxidermist;
 (lxxi) Boiler Man;
 (lxxii) Laundry Charge Woman;
 (lxxiii) Kitchen Supervisor / Diet Sircar;
 (lxxiv) Museum Keeper;
 (lxxv) Darkroom Assistant;
 (lxxvi) Joint DHS (Transport)/Assistant DHS (Transport)/Deputy
 Assistant DHS (Transport and Maintenance)/Regional Health
 Transport Officer/Vehicle Administrative Controller/ Deputy
 Vehicle Administrative Controller of State Health Transport
 Organization;
 (lxxvii) Work Superintendent;
 (lxxviii) Superintendent of Stores;
 (lxxix) Works Foreman;
 (lxxx) Store Officer;
 (lxxxii) Inspector of Stores / Chief Store Keeper;
 (lxxxiii) Senior Supervisor (Area Foreman);
 (lxxxiv) Assistant Supervisor;
 (lxxxv) Time Keeper;
 (lxxxvi) Mechanic / Junior Mechanic;
 (lxxxvii) Senior Welder;
 (lxxxviii) Junior Tyreman;
 (lxxxix) Upholsterer;
 (xc) Sheet Metal Smith;
 (xci) Assistant Mechanist (VICE);
 (xcii) Partsman;
 (xciii) Junior Electrical Technician;
 (xciv) Assistant Blacksmith;
 (xcv) Pumpman / Punch Operator (Machine Section);
 (xcvi) Refrigerator Mechanic;
 (xcvii) Cleaner-cum-Stretcher Bearer/ Stretcher Bearer-cum-cleaner;
 (xcviii) Senior Workman (Packing);
 (xcix) Helper;
 (c) Workman (Mazdoor/Mali);
 (ci) Assistant Editor;
 (cii) Feature Writer;
 (ciii) Translator;
 (civ) Artist-cum-photographer;
 (cv) Projectionist;
 Offset Machine Operator, Senior Offset Machine Operator,
 Junior Offset Machine Operator;

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- (cvi) Compositor;
(cvii) Binder;
(cviii) Night Guard-cum-Durwan;
(cix) Cameraman / Photographer;
(cx) Developer;
(cxi) Reader;
(cxii) Copy Holder;
(cxiii) Packer;
(cxiv) Machine Attendant;
(cxv) Helio Operator;
(cxvi) Cutting Machine Operator;
(cxvii) Retoucher;
(cxviii) Audio Visual Mechanic;
(cxix) Graining Machine Operator;

By order of the Governor,

Sd/- H. K. Dwivedi

Principal Secy. to the Govt. of West Bengal

No.4969/1(150)-F(P)

Kolkata, the 20th June, 2013

Copy forwarded for information and necessary action to:

1. The Accountant General, West Bengal, Treasury Buildings, Kolkata-700 001.
2. The Public Service Commission, West Bengal, 161A, S.P. Mukherjee Road, Kolkata-26
3. The West Bengal Staff Selection Commission. Mayukh Bhaban, Salt Lake, Kolkata-91.
4. TheDepartment/Directorate.

Aut 20/6/13
O.S.D & Ex-Officio Joint Secretary

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Government of West Bengal

Finance Department

Audit Branch

No: 5067-F(P)

Date: 26.09.2014

NOTIFICATION

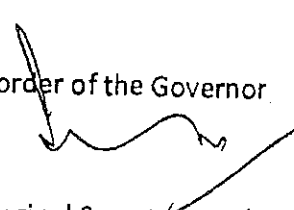
In exercise of power conferred by the proviso to clause (3) of article 320 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Public Service Commission (Exemption from Consultation) Regulations, 2008, issued with this Department notification No.9103-F, dated the 3rd December,2008, as subsequently amended, published in the Kolkata Gazette, Extraordinary, Part I, dated the 22nd December,2008 (hereinafter referred to as said regulations):-

Amendments

In the said regulations, in regulation 17, in the Table, in serial No. 28 after item in cxix column (1) and the entries relating thereto in column (2) insert the following items in column (1) and the entries thereto in column (2), respectively :-

| | |
|---------|--------------------------------|
| cxx | Basic Grade Dental Surgeons; |
| cxxi | Clinical Tutors/Demonstrators; |
| cxxii | Assistant Professor; |
| cxxiii | Associate Professor; |
| cxxiv | Professor; |
| cxxv | Principal [for Institution] |
| cxxvi | Superintendent; |
| cxxvii | Dental Technician; |
| cxxviii | Dental Hygienist; |
| cxxix | Dental Radiologist; |
| cxxx | Assistant Superintendent; |
| cxxx | Dental Mechanic; |

By order of the Governor


Principal Secretary to the
Government of West Bengal

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-2-

No: 5067/1(200)-F(P)

Date: 26.09.2014

Copy forwarded for information and necessary action to the:-

1. Accountant General, W.B., Treasury Buildings, Kolkata-700001.
2. The Public Service Commission, W.B., 161A, S.P. Mukherjee Road, Kol-700026.
3. The West Bengal Staff Selection Commission, Mayukh Bhaban, Salt Lake, Kolkata-700091.
4. TheDepartment/Directorate
5. The O.S.D. & Ex-Officio Joint Secretary & System analyst for uploading in Website.

Aut 25/9/14

O.S.D & Ex-Officio Joint Secretary

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Annexure P 4

Registered No. WB/SC-247

No. WB(Part-I)/2012/SAR-330

The
Kolkata Gazette
सममेव जयते

Extraordinary
Published by Authority

BHADRA 22]

THURSDAY, SEPTEMBER 13, 2012

[SAKA 1934

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Health & Family Welfare
Swasthya Bhavan
GA Branch, 5th Floor,
GN-29, Salt Lake, Kolkata-700 091.

No. HF/O/GA/2378/2E-04/11 Pt. I

Kolkata, the 1st August, 2012.

NOTIFICATION

WHEREAS, the Department of Health & Family Welfare is committed to provide proper delivery of health care services on a 24 × 7 basis to all citizens of the state through the different directorates / institutions and establishments under its control,

AND WHEREAS, it is observed that the delivery system has not been functioning at the desired level owing to shortage of medical/para medical personnel and other staff belonging to various categories at different levels,

AND WHEREAS, it is found that there always remains a considerable lime-gap between the requisition of staff and officers for the department and the receipt of recommendations of selected candidates for filling up the vacant posts from the Public Service Commission, West Bengal,

AND WHEREAS, it is felt that if a Recruitment Board is constituted for direct recruitment to all categories of posts for which the appointing authority is the Government in the Department of Health & Family Welfare, including the authorities subordinate to the Governor excepting those cadre posts of the Secretariat of the Health & Family Welfare Department and the Directorate for which the cadre controlling authorities are the Departments other than the Health & Family Welfare Department, through a statutory body in the name and style "West Bengal Health Recruitment Board", delinking aforesaid posts from the purview of Public Service Commission, West Bengal by way of making regulations under the proviso to clause (3) of Article 320 of the Constitution of India, the delivery system will run more effectively and smoothly,

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Now, therefore, the Governor is pleased to accord sanction to the constitution of "West Bengal Health Recruitment Board" for Health & Family Welfare Department, Government of West Bengal for the above purposes in the manner as detailed hereinunder :

A) WEST BENGAL HEALTH RECRUITMENT BOARD — COMPOSITION

- i) **CHAIRMAN** — A government servant with the grade pay not less than the grade pay of an officer in the rank of a Special Secretary, serving or retired (age limit 62 years) with expertise in Administration/ Finance/Public Health/Medicine/Law and Labour Department. The Chairman will act as the Chief Executive Officer of the Board.
- ii) **PERMANENT MEMBERS** — There shall be three members — (i) The first member must be a serving or retired officer with grade pay not less than the grade pay paid to the officer in the rank of Joint Secretary, (ii) The Second Member who should be a serving/retired officer with grade pay not less than the grade pay paid to the Officer in the rank of Joint Secretary, (iii) Third member may be nominated by the government in accordance with prescribed guidelines. They will be required to have expertise similar to that of the Chairman.
- iii) In addition to above three Members, the Board may co-opt additional member not below the rank of Joint Secretary nominated by the departments of Backward Classes Welfare, Minority Affairs & Madrasah Education, Women & Child Development and Social Welfare of Government of West Bengal, as may be required.

B) Staff and Officers of the Board —

The West Bengal Health Recruitment Board shall have the following staff, viz —

- i) **Secretary** — There shall be one post of Secretary of the Board to be filled up from the officers of the WBCS (Executive) in the rank of Deputy Secretary (having at least 20 years of service in the Pay Band-4B with Grade Pay of Rs. 7,600/-) or above.
- ii) **Deputy Secretary** — There shall be two Deputy Secretaries to be filled up from the State Government officers with two years' service in the Pay Band-4A with Grade Pay of Rs. 6,600/- or above.
- iii) **Law Officer (One)** — From the West Bengal Legal Service
- iv) **Accounts Officer (One)** — From the West Bengal Audit and Accounts Service
- v) **Manager Database (One)** — In the Pay Band-4 with Grade Pay of Rs. 4,400/-
- vi) **Head Clerk** — 1 (One)
- vii) **Upper Division Assistant/Accountant** — 5 (Five)
- viii) **Lower Division Assistant** — 4 (Four)
- ix) **Stenographer** — 2 (Two) | In usual pay-scale.
- x) **Data Entry Operator** — 2 (Two)
- xi) **Record Keeper** — 2 (Two)
- xii) **Group-D** — 7 (Seven)

2. All the officers and staff as mentioned above will be provided by the state government and their pay, service conditions, etc. will be guided by state government rules, orders, etc.

C) DUTIES AND FUNCTIONS :

- 1. The WEST BENGAL HEALTH RECRUITMENT BOARD (WBHRB) contained hereinabove will be responsible for selecting and recommending candidates for direct recruitment to posts permanent or temporary for which the appointing authority is the Government in the Department of Health & Family

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Welfare and authority subordinate to the Governor. Posts of the Secretariat of Health & Family Welfare Department and the posts of Head Quarter of the Directorates under Health & Family Welfare Department or any other posts or services will be excluded by issuing separate notification(s). The existing recruitment rules for each category of the posts will remain valid mutatis mutandis until further order and the WBHRB will select candidates as per these recruitment rules.

2. If the state government is of the opinion that the WBHRB has failed to discharge its function in accordance with the provisions of this notification, the government by an order to be published in Kolkata Gazette and stating the reason thereof, may dissolve the Board with effect from such date as may be specified in the order and establish an interim mechanism to discharge the functions of the Board.
 3. The state government may at any time after the dissolution of the Board, reconstitute the Board in accordance with the provision of this Resolution. The Board, on reconstitution, will start functioning with immediate effect and will continue until further order.
 4. This is deemed to have modified/superseded all orders issued in this regard.
 5. This Notification is issued with the approval of the Finance Department vide UO No. 1890 Gr. 'P' (Service) Dated 06.06.2011 read with UO No. 2376 Gr. 'P' (Service) Dated 29.09.2011.
 6. On publication of a Regulation exempting consultation with the 'West Bengal Public Service Commission' under the provision to clause (3) of Article 320 of the Constitution of India in the official Gazette, the posts mentioned in para 'C' Sub-para-1 shall be delinked with immediate effect from the purview of the West Bengal Public Service Commission.
 7. The location of the office of WBHRB and other details will be notified in due course.
- D. This department resolution bearing No. HF/O/GA/298/2E-04/1 I-Pt.-I dtd. 03-02-12 is hereby stands cancelled.

By order of the Governor,

SANJAY MITRA,
*Principal Secretary to the Government of West Bengal
Health & Family Welfare Department.*

রাজ্য

Annexure PAA

স্বাস্থ্য ডাক্তারদের, রাজ্য কাউন্সিল

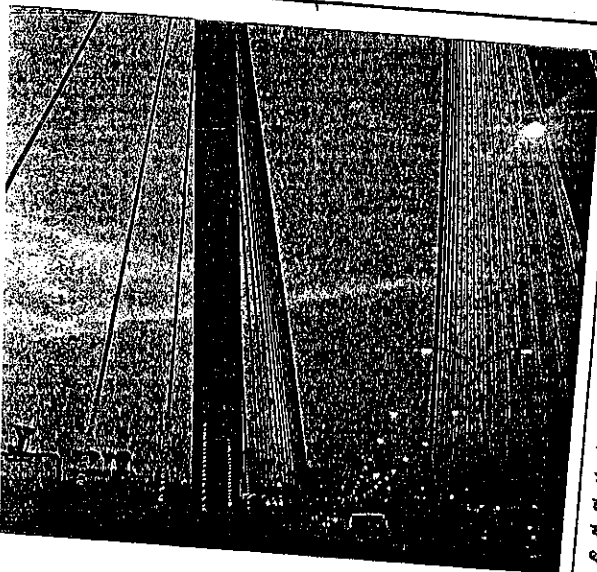
পিএসসি আরও দণ্ডহীন, ডাক্তার নিয়োগে বোর্ড

২২ মে এই নিয়ে সিদ্ধান্ত নেওয়ার জন্য কাউন্সিলের বিশেষ বৈঠক বসবে।
কিন্তু হাইকোর্টের নির্দেশ পালন করতে কাউন্সিলের বৈঠকের কী প্রয়োজন? সহ-সভাপতির সাফাই, "কলকাতা হাইকোর্ট বলেছে, নির্দিষ্ট পদ্ধতি (প্রসিডিওর) অনুসরণ করে ডাক্তারদের রেজিস্ট্রেশন বাতিল করতে হবে। এখানেই সমস্যা। কারণ, আমাদের আর এমসিআইয়ের পদ্ধতি আলাদা। কোন পদ্ধতি অনুসরণ করবে? হাইকোর্ট নির্দেশ দিয়েছে এমসিআই-কে। তাই আমাদের পক্ষে নিজস্ব পদ্ধতি অনুসরণ করে অভিযুক্ত ডাক্তারদের রেজিস্ট্রেশন বাতিল করা সম্ভব নয়।"
রাজ্য কাউন্সিলের রেজিস্ট্রার সীতল ঘোষের যুক্তি, "হাইকোর্ট তাদের নির্দেশ মানার জন্য কোনও সময়সীমা তো নির্দিষ্ট করে দেয়নি। তা হলে এত তাড়ার কী আছে? আমি তো নির্দেশের প্রতিশ্রুতিই এখনও চোখে দেখিনি।"
রাজ্য কাউন্সিলের এ সব যুক্তি মনেতে নারাজ এমসিআই। তাদের মতে, নিয়ম হল এমসিআই নির্দেশ দেবে রাজ্য কাউন্সিলকে। সেটা না

মানা হলে অভিযোগকারী আদালতে যাবে। আদালত যে নির্দেশ দেবে, তা মানতে বাধ্য রাজ্য কাউন্সিল। এমসিআইয়ের ত্রিভাঙ্গ কমিটির চেয়ারম্যান অজয় কুমারের অভিযোগ, "পশ্চিমবঙ্গ মেডিক্যাল কাউন্সিল প্রথম থেকেই কথা শোলে না। এখন হাইকোর্টের নির্দেশও তারা মানছে না।" রোগীর সুধিকার নিয়ে লড়াই করা সংগঠন 'পিপল ফর বোটর ট্রিটমেন্ট'-র চিকিৎসক কুণাল সাহা রাজ্য কাউন্সিলের ডুমিকা দেখে প্রশংসা করেছেন, "আদালতের রায় মানতেও যদি এদের বাধ্য করা না-যায়, তা হলে দেশে আইনের স্বরকারটা কী?"
রাজ্যের ডাক্তারদের একাংশের বক্তব্য, ওই আর্ট জর্নই নয়, রাজ্যে পালাবদলের পর প্রায় কোনও অভিযোগেরই তদন্ত হয় না। কাউন্সিলের যে তদন্ত কমিটি রয়েছে, তার বৈঠক হয় কালেভদ্রে। কোনও ডাক্তারের বিরুদ্ধে যত গুরুতর অভিযোগই হোক— শাসক দলের সাম হাফা কোনও নির্দেশই কার্যকর হয় না।

নিজস্ব সংবাদদাতা: সরকারি দফতর বা প্রতিষ্ঠানে নিয়োগের ক্ষেত্রে স্বশাসিত সংস্থাগুলির ক্ষমতা খর্ব করার অভিযোগ বারবার উঠছে বর্তমান রাজ্য সরকারের ক্ষমানায়। সেই ধারা অব্যাহত রেখে এ বার সরকারি হাসপাতালে দস্ত চিকিৎসক নিয়োগের দায়িত্বও পাবলিক সার্ভিস কমিশন (পিএসসি)-এর হাত থেকে নিয়ে নিল রাজ্য সরকার।
বিধানসভায় মঙ্গলবার এই মর্মে 'দ্য ওয়েস্ট বেঙ্গল স্টেট ডেন্টাল সার্ভিস (অ্যামেন্ডমেন্ট) বিল, ২০১৫' পাশ হয়। এ বিষয়ে ২০০৯ সালের পূর্বনো আইনের সংশোধনীতে এ বার বলা হয়েছে, এখন থেকে সরকারি ডেন্টাল কলেজ ও হাসপাতালে দস্ত চিকিৎসক নিয়োগ হবে হেলথ রিক্রুটমেন্ট বোর্ডের মাধ্যমে। সরকারি নিয়ন্ত্রণ তুলে দিয়ে রাজ্য সরকার নিজেদের পৃষ্ঠপোষক লোক নিয়োগের জন্যই এই বোর্ড গড়েছে বলে বিরোধীদের অভিযোগ। এসইউসি বিধায়ক তরুণ নন্দর বলেন, "এই বিলের মাধ্যমে সরকার ডেন্টাল সার্ভিসেও রাজনৈতিক এবং আমলাতান্ত্রিক নিয়ন্ত্রণ কয়েম করতে চাইছে।" তার অভিযোগ, এই বিল পাশ হওয়ায় কোনও কোনও ক্ষেত্রে সরকার সরাসরি নিয়োগ করবে। ফলে নিয়োগে স্বচ্ছতার অভাব ঘটবে। কংগ্রেসের সুখবিলাস বর্মাও বলেন,

"স্বাস্থ্য দফতরের পরিকাঠামোয় গোলমাল রয়েছে। সে দিকে নজর না-দিয়ে শাসক দল যত্নের দলতন্ত্র প্রতিষ্ঠা করছে।"
সভার পরে সিপিএম বিধায়ক আনিসুর রহমান বলেন, "সরকার নিজের মনের মতো বোর্ড গড়ে মনের মতো লোক ঢোকানোর ব্যবস্থা করল। এতে দলতন্ত্র কয়েম হবে।" পিএসসিকে তৃণমূল সরকার গুরুত্বহীন করতে চাইছে বলে অভিযোগ তুলে সিপিএমের গৌরীলা চট্টোপাধ্যায় বলেন, "পিএসসি-র রিপোর্ট প্রতি বছর বিধানসভায় পেশ হওয়ার কথা। কিন্তু তৃণমূল সরকার চার বছরে একবারও তা করেনি। বোঝাই যায়, পিএসসি-কে সরকার কেমন গুরুত্ব দিচ্ছে।"
জবাবি স্বচ্ছতায় স্বাস্থ্য প্রতিমন্ত্রী চক্রিমা ভট্টাচার্যের দাবি, বোর্ডের মাধ্যমে স্বচ্ছভাবেই দস্ত চিকিৎসকদের নিয়োগ হবে। তিনি জানান, রাজ্যে তিনি সরকারি ও দু'টি বেসরকারি ডেন্টাল কলেজ আছে। এখান থেকে পাশ করা ছাত্রছাত্রীদের যাতে চাকরির খোঁজে বসে থাকতে না-হয়, তার জন্যই নতুন নিয়োগ ব্যবস্থা। কিন্তু ২০১২-তে রাজ্যেরই তৈরি হেলথ রিক্রুটমেন্ট বোর্ডের মাধ্যমে নিয়োগ প্রক্রিয়া গ্রহণ বলে অভিযোগ চিকিৎসকদের একাংশের অভিযোগ।



ধৃত আর এক বাবু

নিজস্ব সংবাদদাতা: মধ্যমধামে জোড়া খুনে 'বাবু-ত্রিভুজ' এ বার সম্পূর্ণ হল বলে মনে করছে পুলিশ। জরি-মাফিয়া বাবু সেন ও তার সঙ্গীকে খুনের ঘটনায় আগে থেকেই হস্তাকারী। এ বার ওই খুনে জড়িত থাকার অভিযোগে গ্রেফতার হল বাবু ঘোষ নামে এক প্রোমোটর। সোমবার লেকটাউন থেকে সে ধরা

পড়ে। উত্তর ২৪ পরগনার অতিরিক্ত পুলিশ সুপার ভাস্কর যুথোপাধ্যায় বলেন, "বাবু ঘোষকে ধরার পরে মধ্যমধাম জোড়া খুন মামলার ত্রিভুজ সম্পূর্ণ হল।" পুলিশের দাবি, জেরায় বাবু জানিয়েছে, বাবু সেনের খুনের সময়ে সে ঘটনাস্থলেই ছিল। বাবু সেনকে খুন করার জন্য বাবু মণ্ডল তাকে প্রাথমিক ভাবে ৫০ হাজার টাকা দিয়েছিল।

PSC is more powerless, Board will recruit doctors

By staff correspondent

In the regime of present Government, allegations have been levelled on several occasions about diminishing the power of autonomous organisations regarding the recruitment in Government departments and organisations. Keeping the pace in order, this time also the State Government snatched the power from Public Service Commission (PSC) in respect to the appointment of Dental Practitioners in the Government Hospitals.

Regarding this, the West Bengal State Dental Service (Amendment) Bill, 2015 was passed in the Assembly last Tuesday. By amending the previous bill of 2009 it has been stated in the bill that henceforth the Dental Surgeons/ Dentists will be recruited in Government Dental College and Hospitals through Health Recruitment Board. The Oppositions have alleged that to recruit persons of their own choice they have concealed the Government control and established a Board for the purpose. SUCI MLA, Tarun Naskar has stated that "Government is trying to restore the political and bureaucratic control in the Dental Service through this bill". He has also complained that by passing the bill, the Government can directly recruit in some sectors as a result there will be no transparency in the recruitment. Congress leader, Sukhabilash Sharma also opined that, "there is derangement in the infrastructure of the Health Department. Without looking in that part, the ruling party is establishing the rule of their own party everywhere.

After the meeting, CPM MLA, Anisur Rahaman told that, "Government, forming a Board of its own has made the arrangement to push the persons of their own choice".

Alleging effort of Trinamool Government to make PSC less important, Gouranga Chattopadhyay of CPM elaborated that, "it is mandatory to submit the report of PSC in the assembly. But Trinamool Government has not done in the last four years. It is quite

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understood that how much importance the Government is giving to PSC". The Minister of State Health, Chandrima Bhattacharya claimed, transparency would be mentioned in the appointment of Dental Surgeon through the Board. She informed that there are three Government and two private Dental Colleges. The new appointment system has been formed so that the students did not have to wait for search of job. But a part of experienced doctors accused of slow recruitment through Health Recruitment Board formed by the Government in 2012.

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Annexure P5

Director General of Public Administration

Ministry of Public Administration
The Government of India
New Delhi - 110002
Sd/-
Secretary to Government
Ministry of Public Administration

To: (For Information)

Chief Secretary

Additional Chief Secretary/Principal Secretary/Secretary

Ministry

Subject: Recruitment of Government employees in regional and field offices through the Public Service Commission

Sir/Madam,

I may inform you that the Cabinet in its meeting held on September 25, 2008, has decided to make direct recruitment of personnel against all categories of posts in Government establishments at regional and field levels through the Public Service Commission. The Commission had earlier intimated its consent to take up this responsibility.

Pursuant to the aforesaid decision steps are being taken to amend the relevant Rules & Regulations in consultation with the PSC. It has been directed to inform you that it will be the responsibility of the Public Service Commission to conduct the recruitment process hereon for all those posts/vacancies for which the Departments have not initiated specific steps in terms of calling up of names from the Employment Exchanges or advertising the vacancies in the newspapers as on September 25, 2008.

The upper age limit for recruitment for all such erstwhile non-PSC/GR/BC and O posts shall continue to be 37 years with usual extension of the age limit for SC/ST etc.

These erstwhile non-PSC posts will continue to be governed by the provisions of economy circular in terms of which approval of the Appointments Committee of the Cabinet is required to fill up any such post, which has remained vacant for more than one year.

The provision of 30% reservation for the "Exempted Categories" for erstwhile non-PSC posts shall also remain in force as well as the provision for absorption of All India Civil Ministers.

It has been decided in consultation with the PSC that the Commission shall hold a special Clerks Examination this year for recruitment of EOAS/EOs/EOs & similar categories of clerical personnel for filling up of vacancies of regional and field offices which were cleared by the ACC but for which the recruitment process was not initiated by on September 25, 2008. For this purpose you are requested to send to the Finance Department on October 31, 2008 a comprehensive position of such vacancies of EOAS/EOs/EOs & similar categories of clerical personnel under the administrative control of your Department. It is sought to know wise and category wise (i.e. SC/ST/OBC etc.) vacancies cleared by ACC pending and exempted category vacancies. This may please be treated as most urgent.

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Principal Secretary
Finance Department
Government of West Bengal
Vidhan Bhavan
Kolkata 700 001
সিনিয়র সচিব
আর্থ বিভাগ
বঙ্গ সরকার
কলকাতা ৭০০ ০০১

You are also requested to please send to us by October 31, 2000 copies of all Recruitment Rules for various categories of non-PSC posts attached to regional and field offices under your Department for examination by the PSC. This should come in a separate envelope.

Yours faithfully,


[Dipankar Mukhopadhyay]

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Dipankar Mukhopadhyay

Type copy

Principal Secretary
Finance Department
Writer's building
Kolkata 700001
Ph: 2214-3695 Fax: 2214-4016
e-mail:t-secy@yahoo.co.in

No.7651(50)-F

October 1, 2008

To
The Additional Chief Secretary/ Principal Secretary/ Secretary
.....Department.

Sub: recruitment of the Government Personnel for regional and field offices
through the public service Commission.

Sir/Madam

I may inform that the Cabinet in its meeting held on September 25, 2008, has decided to make direct recruitment of personnel against all categories of posts in government establishment at regional and field level through the Public Service Commission. the Commission had earlier intimated its consent to take up this responsibility.

Pursuant to the aforesaid decision steps are being taken to amend the relevant Rules & Regulations in the constitution with the PSC. I have been directed to inform you that it will be the responsibility of the Public Service Commission to conduct the recruitment process henceforth for all those posts/ vacancies for which the Department have not initiated specific steps in terms of calling up of names from the Employment Exchanges or advertising the vacancies in the newspaper as on September 25, 2008.

The upper age limit for recruitment for all such erstwhile non-PSC Gr B, c and D posts shall continue to be 37 years with usual extension of the age limit for SC/ST etc.

The erstwhile non-PSC posts will continue to be govern by the provision of the economy circular in terms of which approval of the Appointments Committee of the Cabinet is require to fill up any such posts, which has remained vacant for more than one year.

The provision of 30% reservation for the "Exempted Categories" for erstwhile non-PSC posts shall also remain in force as well as the provision for absorption of Attendants of the Ministers.

It has been decided in consultation with the PSC that the Commission shall hold a special Clerkship Examination this year of recruitment of LDAs/L.D. Clerks & similar categories of the clerical personnel for filling up of vacancies of regional and field offices, which were cleared by the ACC but which the recruitment process was not initiated as on September 25, 2008. for this purpose you are requested to send to the Finance Department by October 31, 2008 a comprehensive position of such vacancies if LDC posts for all regional and field offices under the Administrative control of your Department. This should show office wise and category wise (i.e. SC/ST/OBC etc.) vacancies cleared by ACC, setting apart 30% exempted category vacancies. This may please be treated as most urgent.

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Principal Secretary
Finance Department
Writer's building
Kolkata 700001
Ph: 2214-3695 Fax: 2214-4016
e-mail:t-secy@yahoo.co.in

You are also requested to please send to us by October 31, 2008 copies of all Recruitment Rules for various categories of non-PSC posts attached to regional and field offices under your Department for examination by the PSC. this should come in a lot from your office.

Yours faithfully

[Dipankar Mukhopadhyay]

Annexure P6

Printed from
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Mamata's dalatanttra: minister's brother made Public Service Commission member

TNN | Dec 25, 2012, 03:39 PM IST

KOLKATA: Chief minister Mamata Banerjee has added a new high to dalatanttra (political nepotism) by throwing the rules out of the window and appointing the brother of her Cabinet colleague as a member of the West Bengal Public Service Commission (WBPSC).

The PSC is a constitutional body for recruitment for civil services and the government. The Mamata Banerjee government has set another trend. It has inducted two private sector representatives as PSC members. The minister's brother is one of them. The decision has left those in the government speechless because as per rules, only retired government officials are appointed as members of the PSC which also decides on the principles for promotion and appointments.

As posts of two members fell vacant, Debopriya Mullick, brother of food and supplies minister Jyotipriya Mullick, who heads an NGO called Janasasthya Adhikar Mancha, was appointed along with Dipankar Dasgupta, who has worked for Dey's Medical and Andrew Yule. Neither have any experience in public administration. Towards the end of the previous Left regime, the then finance minister, Asim Dasgupta, had taken an initiative to ensure that every recruitment was made through the PSC after there were complaints of irregularities and nepotism when departments like agriculture and food and supply tried to recruit Group-D employees.

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ফলপ্রকাশের আগেই রিভিউ, বাড়ল নম্বরও

শ্যামলেন্দু মিত্র
ঐত্বিক ডটট্যাক্স

নিয়ম নেই। তা সত্ত্বেও এক প্রাণীর
লিখিত পরীক্ষার খাতা পুনর্মূল্যায়ন
করানো হল, নম্বরও বাড়ল। তা-ও
আবার ফলপ্রকাশের আগে। যার
জেরে শেষমেশ হু-চাকুরের তালিকায়
চলে এল প্রাণীর নাম।

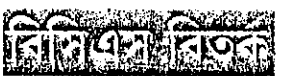
নজিরবিহীন ঘটনাটি খটেছে
পশ্চিমবঙ্গ পাবলিক সার্ভিস কমিশন
(পিএসসি)-এ। অভিযোগ,
ডব্লিউবিসিএসের গ্রুপ সি'তে
নিয়োগের পরীক্ষার পরে চূড়ান্ত মেধা-
তালিকা তৈরিকে কেন্দ্র করে অনিয়মটি
হয়েছে। ওই গ্রুপে সফল প্রার্থীদের
প্রথম নিয়োগ হয় জয়েন্ট বিডিও,
লাড রেভিনিউ অফিসারের মতো
বিভিন্ন গুরুত্বপূর্ণ পদে।

রাজ্য সরকারের আমলা থেকে
চতুর্থ শ্রেণি পর্যন্ত ব্যবতীয় পদে যোগা
প্রার্থী বাছাইয়ের লক্ষ্যে পিএসসি তৈরি
হয়েছে কয়েক দশক আগে। স্বশাসিত
সাংবিধানিক সংস্থাটি গঠনের উদ্দেশ্যই
হল, সরকারি নিয়োগ প্রক্রিয়ায় স্বচ্ছতা
ও নিরপেক্ষতা সুনিশ্চিত করা। অথচ
তারই বিরুদ্ধে এ হেন অভিযোগ ওঠায়
চাকরুর সৃষ্টি হয়েছে। পরীক্ষার ফল
ঘোষণার আগেই প্রার্থী কী ভাবে নম্বর
জেনে নিয়ে পুনর্মূল্যায়নের আর্জি
আনাচ্ছেন, এবং কোন যুক্তিতে তা
গ্রাহ্য হচ্ছে, সেই প্রশ্ন তুলেছে
কমিশনের কর্মী ইউনিয়ন, এমএনসি,
প্রশাসনেরও একাংশ।

ঘটনাটা ঠিক কী?
কমিশন-সূত্রে খবর: ২০১১-র
ডব্লিউবিসিএসের লিখিত পরীক্ষায়
বসেছিলেন প্রায় ৮২ হাজার প্রার্থী।
পাস করেন ৩৪১৬ জন।
ডব্লিউবিসিএসের চারটি গ্রুপ (এ, বি,
সি, ডি) মিলিয়ে ৬৪৫ জনের চূড়ান্ত

মেধা-তালিকা তৈরি হয়। সেই মতো
গ্রুপ ধরে ধরে রাজ্য সরকারের বিভিন্ন
দফতরের চাহিদা অনুযায়ী নামের
সুপারিশ পাঠাতে শুরু করে পিএসসি।
প্রক্রিয়াটি চলাকালীন, গত জানুয়ারির
শেষাংশে প্রশাসনকে গোপন নোট
দিয়ে পিএসসি-র এক কর্মী জানান,
'উচ্চতর কর্তৃপক্ষের' মৌখিক নির্দেশ
(৯ জানুয়ারি ২০১৪) মেনে
দফতরগুলিকে নিয়োগ-সুপারিশের
চিঠি পাঠানো স্থগিত রাখা হচ্ছে।

প্রক্রিয়া থমকে থাকে। আর তারই
মধ্যে আসে আর একটি নোট, যা ঘিরে
প্রশ্ন, অভিযোগ ও বিতর্ক দানা
বৈধেছে। পিএসসি-সূত্রে খবর: গত
১৯ মার্চের ওই নোটে জানানো হয়,



কমিশনের চেয়ারম্যানের নির্দেশে
(আইসি-৫/২০১১-পার্ট) গ্রুপ সি-
এক পরীক্ষার্থীর পালি ভাষার প্রথম
পত্রের উত্তরপত্র পুনর্মূল্যায়নের জন্য
পাঠানো হয়েছিল। রিভিউয়ে তাঁর ১৩
নম্বর বেড়েছে। এতে পালি প্রথম পত্র
প্রাপ্ত নম্বর ৩৬ থেকে বেড়ে দাঁড়িয়েছে
৪৯। লিখিত পরীক্ষায় মোট নম্বর ৩৩৮
থেকে হয়েছে ৩৫১। আর গোটা
পরীক্ষায় তাঁর প্রাপ্ত সর্বমোট নম্বর
যেখানে ৪৪৮ ছিল, পুনর্মূল্যায়নের
সূত্রে তা হয়েছে ৪৬১।

বাড়তি নম্বরের জোরে প্রার্থীটির
নাম মেধা-তালিকায় বেশ ক'গাপ
উপরে উঠে আসে। ফের দফতরে
দফতরে নিয়োগের সুপারিশ পাঠানো
শুরু হয়। তখনও অবশ্য সংশ্লিষ্ট প্রার্থীর
ভাগ্যে চাকরির শিকে ছেঁড়েনি। কারণ,
নম্বর বাড়ার পরেও মেধা-তালিকায়
তিনি ছিলেন ৪০৭তম স্থানে, যেখানে
গ্রুপ সি পদে নিয়োগযোগ্য হিসেবে
বিবেচিত হয়েছেন ৪০৫ জন।

অর্থাৎ, ক্রমতালিকায় স্রেফ
দু'ধাপের ফারাকের কারণে ওঁর
চাকরির সম্ভাবনা আটকে থাকে। তবে
পরিষ্কৃতির খোঁজ ঘুরে যায় ভূমিসংস্কার
দফতরের পাঠানো এক নোটে। গত
২৬ জুনের নোটটির বক্তব্য: দফতরের
হাতে পৌঁছানো তালিকার মধ্যে দু'জন
লিখিত ভাবে জানিয়েছেন, তাঁরা কাজে
যোগ দেবেন না। ওঁদের পরিবর্তে
পিএসসি নতুন নাম পাঠাক।

দু'টি নাম বাদ যাওয়া ওই প্রার্থী
এখন গ্রুপ-সি'র নিয়োগযোগ্য
তালিকায় ঠাই পেয়ে গিয়েছেন।
পিএসসি-সূত্রে খবর: চাকরির
সুপারিশ করে ওঁর নাম এ বার ভূমি
দফতরে পাঠানো হবে কি না, সে
সিদ্ধান্ত নিতে চলতি সপ্তাহেই
কমিশনের 'ফুল বেঞ্চ' বৈঠকে বসছে।
প্রসঙ্গত, পিএসসি'র ফুল বেঞ্চ
কমিশনের চেয়ারম্যান নুরুল হক
ছাড়াও রয়েছেন ডিন সদস্য— ডি
দাশগুপ্ত, দেবপ্রিয় মল্লিক ও উমা
মুখোপাধ্যায়। প্রার্থীটির উত্তরপত্র
পুনর্মূল্যায়নের আর্জিতে ওঁরা সকলেই
অনুমোদন দিয়েছিলেন।

এই পুরো ঘটনায় নিয়মভঙ্গের
গুরুতর অভিযোগ উঠেছে পিএসসি-র
বিরুদ্ধে। কেন?

কর্মী ও প্রশাসনিক মহলের
একাংশের দাবি: পিএসসি-তে লিখিত
পরীক্ষার খাতা দেখে নম্বর জানান
সুযোগ থাকলেও পুনর্মূল্যায়নের নিয়ম
নেই। কমিশনের এক প্রাক্তন
চেয়ারম্যান পরিষ্কার জানিয়েছেন,
ফলপ্রকাশের আগে হোক বা পরে,
পরীক্ষার্থীর আবেদন মেনে খাতার
পুনর্মূল্যায়ন করা বা নম্বর বাড়ায়
কোনও সুযোগ নেই। ফলপ্রকাশের
পরে কেউ অবশ্য তথ্য জানানোর অধিকার
(আরটিআই) আইনে খাতা দেখতে
এর পর সাতের পাড়ায়

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Controversy in Civil Service: Marks Increased in Result through Review Even before It's Declared

Shymalendu Mitra

Rittika Bhattacharya

A candidate's paper was sent for review and the marks were increased even though there is no such rule for this provision. Moreover this incident took place before the results were formally declared. Owing to the increase in marks, the candidate's name featured in the merit list for the would-be civil servants.

This unprecedented incident took place in the West Bengal Public Service Commission (WB PSC), where for the recruitment of Group 'C' officers of the West Bengal Civil Service (WBCS), the final merit list published contained such gross anomaly. The successful candidates who are recruited for the Group 'C' of the WBCS are primarily appointed for key posts of the State Government such as the Joint BDO and Land Revenue Officer.

The institution of PSC aims at selecting meritorious candidates for various posts to the state bureaucracy and other posts with unbiased conscience and unparalleled efficiency, something which it has been doing for the past decades since its existence. This autonomous Constitutional institution was conceived with the idea of providing an unprejudiced and incorruptible gateway for the recruitment to Government services of the state of West Bengal. Sadly, because of this incident, the reputation of PSC has been tainted and the attributes of this institution such as its neutrality, transparency and efficiency have been put to question. Moreover, the employees' union of the PSC along with a section of the state bureaucracy has raised questions as to how an individual candidate gets to know the marks obtained by him/her and sends the paper for revaluation even before the results are formally declared.

According to the PSC, around 82,000 candidate's had appeared in 2011 for the WBCS examination. The number of candidates who passed the written test stood at 3416. However a total of 645 candidates were selected for the four groups of WBCS (i.e. Group 'A', Group 'B', Group 'C' and Group 'D') and accordingly the merit list was prepared. Following this, the PSC started sending recommendations to the various departments of the State Government, catering to the demands of each department. However when this procedure was on, a secret bureaucratic note from a top official of the PSC, by the end of January stated that in accordance with the verbal instructions of more distinguished bureaucrats, (9th January, 2014) the process of sending in recommendation letter to the various departments has been paused. This resulted in the stagnancy of the entire procedure and it is during this time that another note is brought to light which is the root of this controversy. According to the PSC, the second note dated 19th March, stated that by the instructions of the Chairman (IC-5/2011-Part), a candidate applying for Group 'C' had sent his/her First Paper of Pali for a review. According to the reviewed result, the candidate got an increase of 13 marks in the paper. As a result, the marks obtained in the Pali First Paper increased from 36 to 49. The

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total marks in the written examination thereby increased from 338 to 351 and total marks obtained overall in the examination rose from 448 to 461 as a result of this review. Due to an extra 13 marks, the candidate's position has jumped quite a few places forward in the merit list. Following this, the procedure of sending in recommendations to the various departments of the State Government resumed. However, this particular candidate still did not make it to the Group 'C' cutoff, which stopped recruiting at the 405th rank, whereas after reviewing the result, this candidate only made it to the 407th rank in the merit list. Therefore for two ranks, this candidate could not secure the appointment.

However things took a different turn when a note dated 26th June, was sent from the Department of Land Reform, Government of West Bengal. According to this note, two successful candidates who were named in the recommendation list sent to the department have given a written confirmation that they will not join the work. The PSC has been requested to send in new names in their place. Due to deletion of the two successful candidates from the merit list, that candidate has now got a berth in the list of recommended candidates for Group 'C'. The PSC stated that a 'Full Bench' meeting would be held the following week, comprising of Chairman Nurul Haq and members D. DasGupta, Devapriya Mallick and Uma Mukherjee whether this particular candidate would be send in as recommendation to the Department of Land Reforms. It has been known that all of them had given their assent for the review of the candidate's paper. This has led to serious accusations against the PSC of breaking the rules. According to the workers of PSC and a section of the bureaucracy, there is a system for viewing the paper of the written examination and getting to know the marks obtained, but there is no provision for reviewing the paper. A former Chairman of the PSC has clearly stated that neither before nor after the publication of the result, is there a provision for reviewing the paper by complying with the wishes of individual candidates. After the publication of the result, an individual candidate can file an RTI and apply to view his/her paper. In 2010, a candidate after filing an RTI and after viewing his/her paper, moved to court appealing for an increase in marks, but then the PSC had told the court that if any paper is reviewed or revaluated, the process will never end and more demands for the revaluation of more answer scripts will keep coming in. This would lead to a great number of problems in preparing the merit list. Subsequently, the court rejected the appeal.

Keeping this incident in mind, the employees of PSC and the section of the bureaucracy is raising questions, that how could a candidate send his/her result for revaluation even before the publication of result of 2011 or PSC sending in the recommendation? Did the candidate know the marks he/she had obtained beforehand from any source? How was this prayer for review even accepted by the authorities? Moreover, many find the recruitment sheer curious coincidence with two selected candidates refusing to join the work, even though they'd secured a better position in the WBCS examination. The employees' union of PSC alleged that even though this incident was brought to the notice of the appropriate authorities, they remained unresponsive to it.

Chairman Nurul Haq was quite astounded, "This is not supposed to happen! I don't recall anything." The Chairman has assured that he'll ask for the file and personally look into the matter and if required would take appropriate action. Uma Mukherjee, member of the PSC has argued, "PSC is a 'august' institution. It is still accepted respectfully by civil services

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aspirants. This cannot happen.” However according to the words of another member of the PSC, Devapriya Mallick (elder brother of Jyotipriya Mallick, Minister in Charge of the Department of Food, Government of West Bengal and also member of Trinamool Congress), it is clear that something had taken place.

According to Devapriya Mallick, “If any candidate realizes that he/she has got fewer marks than expected, the person can appeal for a revaluation. PSC can accept the appeal for review and marks can increase. There is nothing wrong with it.” However, how did the candidate know the result? “The person must have filed an RTI and known the result”, replied Mr. Mallick. However, how could the candidate know the marks even before the results were formally declared?

Mr. Mallick clearly avoided the question and said, “Whatever I’ve done, and I’ve done it with full transparency”. According to him, “Previously, these incidents used to happen on a large scale on the word of party, but we emphasize on the needs and appeals of the candidates”. When reminded that there was no rule according to the PSC which guaranteed a system for revaluation, he defiantly said, “We are bringing in one, where is the harm in it?”

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Annexure (pg 1)

Bengal government bypasses PSC to recruit health officials

TNN | Apr 23, 2015, 03:22 AM IST

KOLKATA: After coming to power, Mamata Banerjee government had scuttled the powers of state public service commission by setting up West Bengal Staff Selection Commission (WBSSC) for recruitment of group C and D staff. Now, the powers of PSC are being reduced further as the health department is shortly going to appoint a recruitment consultant to recruit staff.

Earlier, all doctors, medical staff and teachers of state government used to be recruited through PSC. Recently, the West Bengal Health Recruitment Board was set up to recruit doctors, nurses, pharmacists, technicians, para-medical staff and even medical teachers. So, questions are being raised in various quarters on the necessity of appointing a consultant for recruiting staff for the health department when a health recruitment board exists.

Health department will appoint the consultant to recruit for posts of district programme coordinator, district accounts manager, district statistical manager, assistant engineer, sub-assistant engineer and bio-medical engineer.

The consultant will appoint about 60 staff and health officials have already received a response from more than 6,000 candidates. The consultant is supposed to conduct a written test and scrutinize the candidates.

During the fag end of Left Front government, fire service department had recruited firemen by outsourcing the recruitment process to a consultant and there were wide scale complaints about indulgence in corrupt practices. In the Left regime, there were controversies in recruitment in food, agriculture and irrigation departments as well as officials often directly recruited for several posts bypassing PSC. At that time, the government's explanation was that the PSC was slow in completing the recruitment process.

Upon coming to power, Mamata Banerjee set up WBSSC on the same plea. Now, even police recruitments are done by West Bengal Police Recruitment Board.

PSC chairman Sheikh Nurul Haque had resigned in February as he was allegedly unhappy with political intervention, which, he alleged, was diluting the sanctity of the recruitment process.

A senior health official said that they were taking the help of the recruitment consultant as the appointments were going to be made for a period of about two years on a contractual basis.

"We shall ensure that the identity of the candidates is not disclosed and so there will be fair evaluation of the candidates in the written test. If we find any corrupt means, we can summarily terminate the service of the recruiting consultant," he said. The official added that senior government officials and experts will scrutinize the candidates in the interview session.

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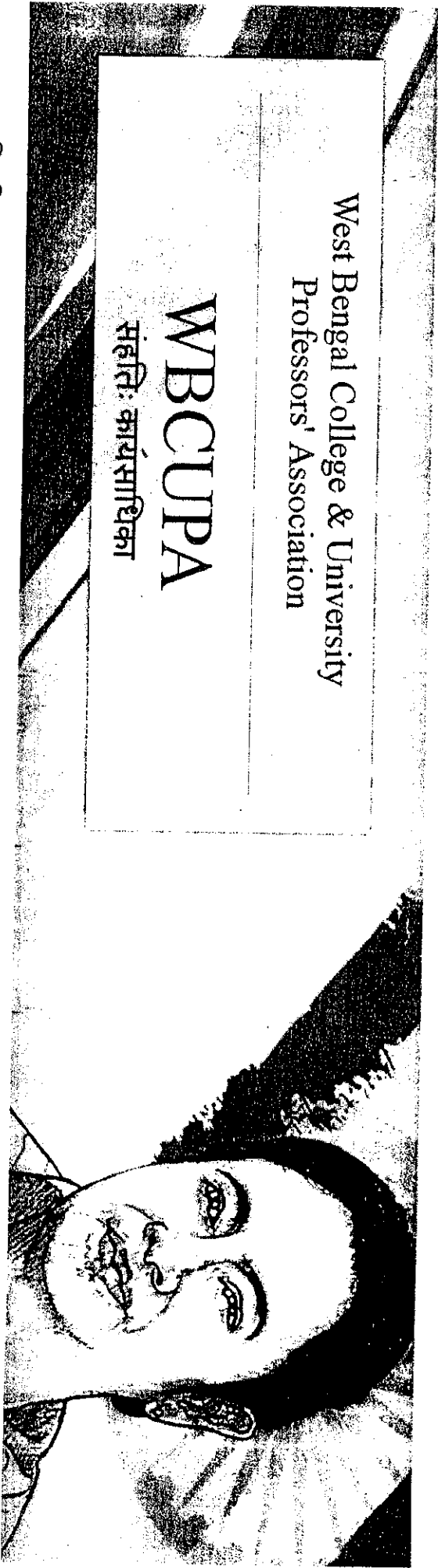


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- [65000 jobs \(show_news.php?file=65000 Jobs- Sangbad Pratidin 27-08-16 - 9.pdf\)](#)
- [Assembly passed Bangla Bill \(show_news.php?file=Assembly passed Bangla Bill- Sangbad Pratidin 30-08-16 - 3A.pdf\)](#)
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Member Achievements

- Professor Gebinda Chandra Sadhukhan - Awarded Bharat Shiksha Ratan Award By GLOBAL SOCIETY FOR HEALTH & EDUCATIONAL GROWTH (show_achievement.php?file=Award-Letter-Gobinda-Chandra-Sadhukhan-Global-Health.pdf)
- Professor Baisakhi Banerjee - Awarded National Teaching Excellence Award 2016 By INTERNATIONAL BENEVOLENT RESEARCH FOUNDATION (show_achievement.php?file=Award-Letter-Baisakhi-Banerjee.pdf)



Colleges (wbcolleges.php)



Pay Scale



Career Advancement



Important Contacts (important_contacts.php)

FEEDBACK FORM

Name

Designation

Affiliation

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HISTORY

West Bengal College and University Professors Association (WBCUPA), came into existence in the context of a fundamental political transformation that occurred in Bengal in 2011 with the establishment of the newly found TMC Government led by Ms. Mamata Banerjee. This transformation provided an opportunity to the nationalist and democratic teachers of colleges and universities in West Bengal with a new platform for promoting the cause of higher education in the state. The WBCUPA remained committed to help the implementation of the blue print for a new and emergent Bengal, developed under the leadership of Ms. Mamata Banerjee, under whose able leadership a congenial climate has created a better Bengal to live in. WBCUPA is driven by our leader Ms. Mamata Banerjee's vision to create a healthy, democratic, efficient and dynamic education system in our state by ending the three decade old complete leftist political domination over all segments of education system in the province, which had resulted in stagnant and declining education scenario in our state.

WBCUPA was established on 19 th August 2012. The First State Convention was organized on 22 nd December 2013 at the University Centenary Hall in the august presence of Prof. Bratya Basu, the then Hon'ble MIC, Education; Dr. Partha Chatterjee, the then Hon'ble MIC, Industry & Commerce; Sri Ashis Banerjee, the then Hon'ble MOS, School Education; Sri Mukul Roy, Hon'ble M.P. and Sri Subrata Bakshi, Hon'ble M.P. as well as a number of vice chancellors and intellectual personalities of different universities of West Bengal. This convention was attended by about 4,500 delegates. Starting with near about 2000 members, our organization has now about 8500 active members spread over universities and colleges across the state. On the occasion of the first state convention, the WBCUPA published a volume Trinankush which brought together articles and messages from the Hon'ble Chief Minister Mamata Banerjee and other leading academicians and personalities of the state. Subsequently, our organization has organized conventions, workshops and seminars to address emerging issues in higher education concerning service conditions of the teachers and teaching-learning process.

PHOTO GALLERY

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Annexure PIDA

**West Bengal College and University Professors' Association
(WBCUPA), 2013**

Unit: Calcutta University, Kolkata

President:

1. Prof. Subransu Sekhar Chatterjee,

Vice-Presidents:

2. Prof. Dilip Mohanta
3. Prof. Bidyut Baran Konar
4. Prof. Sudip Acharya
5. Prof. Anthony Gomes

General Secretaries:

6. Dr. Sucharita Banerjee
7. Dr. Tirtha Prasad Mukhopadhyay

Executive Members:

8. Dr. Rajashri Sukla
9. Dr. Jatindra Kumar Das
10. Dr. Arup Das
11. Dr. Sudip Das
12. Dr. Bratati Dey

Representative, WBCUPA:

13. Prof. Swagata Sen
14. Prof. Tapan Kumar Parya

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Annexure P11

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

PRESENT:

The Hon'ble CHIEF JUSTICE DR. MANJULA CHELLUR
And
The Hon'ble JUSTICE JOYMALYA BAGCHI

F.M.A. 3095 of 2015
With
C.A.N. 6174 of 2015

Prof. S. S. Chatterjee
Versus
Taniya Bagui & Ors.

For the Appellants:- Dr. Chapalesh Bandyopashyay, Advocate
Mr. Mir Anuruzzamah, Advocate
Ms. Anandamoyee Dutta, Advocate

For the Respondent:- Mr. Kaushik Chandra Gupta, Advocate
Heard on :- 05.10.2015, 18.11.2015, 30.11.2015,
14.12.2015 & 18.01.2016

Delivered on: March 29, 2016.

Dr. Manjula Chellur, Chief Justice :

This appeal is directed under Section 19 of the Contempt of Courts Act, 1971 challenging the judgment dated 24.08.2015 passed by Learned Single Judge of this

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Court holding the appellant/contemnor guilty of committing contempt of Court under Section 12 sub-section 1 of the Contempt of Courts Act of 1977 and imposing a cost of Rs.2,000 to be paid by the contemnor to the respondent/writ petitioner and further directing Registrar, University of Calcutta to take steps for recovery of the said amount from the salary of the appellant/contemnor.

It would be just and proper to narrate the background in which the present appeal is preferred. The respondent/writ petitioner claimed reservation under category other backward classes (OBC-B). Apparently, she had secured 40% (out of best of four subjects, excluding Environmental Education) in Higher Secondary Examination. She sought admission for B.A. LL.B course, a five year course for the academic session 2014 - 2015 in the University of Calcutta. Admittedly, applicant had endorsed in the application form that she belongs to the category of OBC. According to her, the University ought to have made reservation for OBC candidates in the process of admission under the provisions of the West Bengal State Higher

Educational Institutions (reservation in admission) Act, 2013 (hereinafter referred to as Act of 2013) and the West Bengal State Higher Educational Institution (reservation in admission) rules, 2014 (hereinafter referred to as the rules of 2014) framed thereunder but had illegally failed to do so.

Admittedly, the University authorities treated the respondent/writ petitioner as a general category candidate and refused to give 'Admit Card' as she did not have requisite marks of 45% in Higher Secondary Examination as stipulated for general category candidates. Aggrieved by such action of the University, the respondent/writ petitioner approached this Court in the instant writ petition, inter-alia, seeking intervention of the Court that she may be issued 'Admit Card' for the aforesaid Entrance examination and a direction to the University Authorities to fill up the existing vacancy under OBC-B category for the above said five year B.A. LL.B course.

By order dated 27.06.2014 the learned Single Judge of this Court after hearing the parties directed as interim relief

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that the respondent/writ petitioner be issued with Admit Card and be allowed to appear in the Entrance examination which was to be held on 05.07.2014. It is contended by the respondent/writ petitioner, notwithstanding above said interim direction of the Court and although she was an OBC candidate, University authorities compelled her to take the Entrance examination as a general candidate which is illegal and her name appeared in the merit list of general candidates at rank No.1346.

Counselling of the said candidates for admission to the above said course was fixed on and from 14th July, 2014 till 17th July, 2014. It appears, on 14th July, 2014 respondent/writ petitioner had given notice to the University authorities complaining that she was compelled to take the examination as a general candidate instead of OBC candidate. She filed CAN No.6971 of 2014 and application for appropriate order. After hearing the parties the learned Judge passed the following order:

“Mr. Bari, Learned Counsel appearing for the writ petitioner submits that the writ petitioner appeared at the test as O.B.C. candidate. However, the counselling process is going on. According to him, the writ petitioner should be allowed to take part in the counselling process, otherwise the entire proceeding would be infructuous.

Mr. Bhattacharya, learned counsel appearing for the University submits that the petitioner’s claim is in O.B.C. category and he also submits that the petitioner can participate in the counselling process.

Considering the submissions made by the learned Counsel appearing for the respective parties, the concerned respondents are directed to allow the petitioner to participate her ongoing counselling process under O.B.C. category.

This order is without prejudice to the right and contention of both the parties. This would abide by the result of the writ petition.

Mr. Bhattacharya as well as learned Advocate on record for the petitioner is directed to communicate this order to the



University authority as well as to the Secretary, Department of Law and the concerned respondents are to act on the basis of such communication without waiting for any certified copy or plain copy of this order.”

Supported by such order, the respondent/writ petitioner presented herself for counselling at the University on 17.07.2014. Its further alleged that the appellant/contemnor did not allow her to participate in the counselling on the ground that she failed to secure minimum qualifying marks and such fact was even endorsed on her 'Admit Card'.

Based on such allegations, instant contempt proceedings were initiated against the appellant/contemnor in which proceedings the contemnor appeared in person and denied that he had not willfully and deliberately violated the order. He filed an affidavit in opposition wherein he contended that on 16.07.2014 learned Advocate appearing for the University without proper instruction had submitted

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before the Court that the counselling process was going on, though in fact such counselling process for reserved candidate was concluded as early as 14.07.2014. It was further contended that holding counselling for the petitioner in OBC category was not possible as there was no reservation in such category in view of the fact that adequate permission for increase of intake capacity under Section 5 of the Act of 2013 had not been granted by the appropriate authority, namely, Bar Council of India. Accordingly, implementation of the order was an impossibility was the stand taken. The appellant/contemnor also categorically denied that the endorsement on the 'Admit Card' was in his hand writing.

Learned Single Judge after hearing the parties arrived at a finding that in spite of the order directing the University authorities to permit the respondent/writ petitioner to participate in the ongoing counselling process under OBC category was communicated to the appellant, the same was not intentionally carried out by him without justifiable cause

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and therefore the appellant was guilty of contempt of Court. Consequential order as to cost was also imposed.

Dr. Bandhopadhyay learned Counsel arguing for the appellant/contemnor submitted that learned Judge failed to consider the submission of the appellant that implementation of the order was an impossibility as the counselling process for reserved candidate had already concluded on 14.07.2014. Therefore, learned Counsel appearing for the University being unaware of such fact had incorrectly submitted, therefore the process of the counselling for the respondent/writ petitioner in such category did not arise at all. He strenuously submits that in order to effect reservation in OBC category under Section 3 of the Act of 2013 increase of intake capacity was required to be done under Section 5 of the Act after obtaining necessary permission from Bar Council of India. As on that date no such permission had been granted and therefore implementing the interim direction of the Court was an impossibility. The appellant/contemnor had categorically denied making the endorsement in his own hand on the

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'Admit Card' and in the face of such denial it was incumbent upon the respondent/writ petitioner to prove the same which she failed to do so. Therefore, they seek setting aside the impugned judgment.

Mr. Gupta learned advocate appearing for respondent/writ petitioner contended that counselling process was, in fact, in progress on 17.07.2014. Direction of the Court was to permit the petitioner to participate in the counselling process as OBC candidate. Such permission was without prejudice to the rights and contentions of the parties. Accordingly, refusal to permit the writ petitioner to participate in the counselling as she did not have minimum qualification marks as a general candidate or otherwise was contumacious violation of such direction and the impugned order ought to be interfered with.

From the aforesaid discussion, it appears that qualifying marks was fixed of 45% for general candidates and 40% for reserved category candidates, that Schedule Cast/Schedule Tribe/Physically Handicapped category

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candidate for seeking admission to LL.B course in the academic session of 2014-15.

Apparently, no reservation for OBC candidate had been made by the University in the admission process. Writ petitioner who is an OBC candidate, moved the writ petition seeking participation in the admission process as OBC candidate in view of the provisions of the Act of 2013 and the rules framed thereunder. It was contended by the petitioner in the said writ petition that such reservation shall apply from academic session of 2014-15 in view of Section 6 of the said Act, whereas the University authorities refused such claim. Further they claim that no such reservation was possible prior to mandatory increase of seats under Section 5 of the Act after obtaining permission from the appropriate authority, Bar Council of India.

Such issue is to be gone into by the Court at the time of final hearing of the writ petition. However, in order to protect the interest of the writ petitioner and to prevent such issue from being rendered mere academic, the Court by order

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dated 16.7.2014 permitted the petitioner to participate in the entrance examination conducted by the University for such admission.

Pursuant such order, petitioner was permitted to appear in the examination albeit as a general candidate and her name also appeared in the merit list. Thereafter, the Court again directed the University to permit her to participate in the counselling process as an OBC candidate without prejudice to the rights and contentions of the parties. The defence taken by the appellant in his affidavit-in-opposition is that the order was impossible to be complied with as the counselling process in other reserved categories, namely, SSC/SST/PH candidates had already concluded on 14.07.2014. But however, the lawyer for the University erroneously communicated that the counselling process was still going on.

According to us, such stand is wholly inconsistent with the endorsement made on the Admit Card of the writ petitioner by the University authorities when she presented

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herself for counselling as OBC candidate on 17.07.2014, that is she does not have requisite qualification marks of 45% required for LLB examination and hence her application will not be entertained.

No doubt in the affidavit-in-opposition, the appellant has categorically denied having made such endorsement and had put the writ petitioner to strict proof of the same.

On the other hand, in paragraph 8 of the affidavit the appellant contended, when the letter communicated the order dated 16.07.2014 was placed before him, he had given a note that the counselling and admission for the course for reserved category had been completed on 14.07.2014 and advocate had defended the writ petitioner after completion of the counselling. Unfortunately, no such note was placed before the Court to substantiate such defense. Be that as it may, such plea as ventilated in the affidavit is wholly without substance. The Court had directed the University to allow the writ petitioner to participate in the counselling as OBC candidate and not as a candidate in other reserved categories

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like SC, ST, and PH category for which counselling for admission was claimed to have been completed on 14.07.2014. According to us, completion of counselling for other reserved categories could not have come the way of holding counselling for the writ petitioner in the OBC category as directed by the Court as the counselling process as a whole had admittedly not concluded and all seats were not filled up till that date.

With regard to the endorsement on the 'Admit Card' of the candidate that she did not possess requisite qualifying marks for admission or the plea that no reservation in OBC category was possible without increase of total Intake capacity are issues which go into the merits of the order and could be raised during hearing of the petition itself but did not definitely justify the action of the appellant in avoiding the compliance of the order.

Especially when the direction for counselling as OBC category candidate had been passed without prejudice to the rights of the parties and the aforesaid issues could have been

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agitated at the time of final hearing of the writ petition notwithstanding compliance of the said order we fail to understand the stand taken by the appellant. A party cannot sit in judgment over the correctness or justification of a judicial direction or order but must comply with the same even if he/she believes the order to be wrong or unjustified till it is set aside. To permit a party to the contrary would be nothing but to prevent the sanctity of judicial process and the majesty of rule of law itself. Admittedly, no appeal filed. Similarly no review or recalling application was taken out against the order and it is trite law that the Court in contempt jurisdiction cannot go into the correctness of the order which is alleged to be violated. Accordingly, we opine that the aforesaid defenses are wholly without merits and are liable to be rejected.

From the above discussion, it is clear the appellant/contemnor who was fully aware of the order and resorted to various methods to avoid implementing the same to the prejudice of the writ petitioner thereby to render the writ petition infructuous. If the appellant felt the order was

illegal which had been passed on incorrect submissions, it was open to him to seek appropriate relief in the form of appeal, or review etc. against such order. Instead of choosing such course of action, he refused to comply with the order and is presently setting up the aforesaid pleas which are wholly untenable in contempt jurisdiction. Such state of affairs make it evident that conduct of the appellant is not at all bona fide and accordingly we are of the view that the learned Single Judge had rightly held that the appellant had willfully and deliberately violated the order passed by the Court and was guilty of contempt. With regard to the imposition of cost it has been argued that there is no jurisdiction in the Court to impose cost in contempt proceeding. Power to impose cost is inherent in the Court, particularly in the High Court while exercising its plenary jurisdiction under Article 215 of the Constitution of India. On that score also the order cannot be faulted. The appellant ought to consider himself lucky that in addition to cost, fine or other penalty was not impose on him by the learned Single Judge by way of punishment. In the light of aforesaid

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reasons, the appeal is dismissed and the judgment and order of the learned Single Judge is upheld.

(Manjula Chellur, Chief Justice)

I agree.

(Joymalya Bagchi, J.)

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Later:

Stay sought for rejected.

(Manjula Chellur, Chief Justice)

(Joymalya Bagchi, J.)

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Annexure P12

WP No.516 of 2011
In the High Court at Calcutta
Constitutional Writ Jurisdiction
Original Side.

Dr. Subhrangsu Sekhar Chatterji
Vs.
University of Calcutta & Ors.

Mr. Arnit Prakash Lahiri, Advocate.....for the Petitioner

Mr. Biswaroop Bhattacharya, Advocate.....for the University of Calcutta

Mr. Nishit Ranjan Adhikary, Sr. Advocate....for the Respondent No. 4

Before:
Hon'ble Mr. Justice Tapen Sen

Date: 20.5.2011

The Court: On 18.5.2011, this Court passed the following Order:-

"The Court : Heard Mr. Lahiri, learned Counsel for the Petitioner. There is no appearance on behalf of the University of Calcutta.
Let the matter be placed under the same heading on 14th June, 2011.
Issue Notice to the Respondent No. 4 afresh.
Till the 21st June, 2011 there shall be an interim order in terms of prayers (a) and (b) of the Writ Petition.
All parties concerned are to act on a Photostat signed copy of this Order on usual undertakings."

On 19.5.2011, Mr. Nishit Ranjan Adhikari, learned Senior Counsel of this Court representing the Respondent No. 4 as well as Mr. Biswaroop Bhattacharjee representing the University of Calcutta appeared and mentioned the matter submitting that the Petitioner, Dr. Subhrangsu Sekhar Chatterjee, has misled this Court as a result of which an interim Order was passed directing that till 21st of June, 2011, there shall be an interim Order in terms of prayers (a) and (b). Prayers (a) and (b) of the Writ Petition are as follows:-

"a) A writ of and/or in the nature of Mandamus by directing the concerned Respondents from restraining Respondent no. 4 i.e. said Dr. N.

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K. Chakraborty herein from promotion for the post of professor as he failed to fulfil the required criteria for the post of professor in faculty of law under the Calcutta University.

(b) A writ of in/or in the nature of prohibition by restraining to join the Respondent No. 4 i.e. Dr. N. K. Chakarabarty, till disposal of the writ petition, herein, from promotion for the post of professor from Reader as he did not acquire the requisite qualifying service of 18 years both in Lecturer and Reader under the said Scheme."

When such a submission was made, this Court directed the Office to place the matter under the heading "To Be Mentioned" today at 12 noon and that is how this case has been listed today when both Mr. Nishit Ranjan Adhikary, learned Senior Counsel as well as Mr. Biswaroop Bhattacharjee were heard along with Mr. A.P. Lahiri who had appeared for the Petitioner on 18.5.2011. Mr. Lahiri is assisted by Mr. Apu Biswas, Mr. P.K. Banerjee, Ms. A Ghosh all appearing for the Petitioner. They are all present in Court today. At the very outset, both the learned Counsel appearing for the Respondents brought to the notice of this Court an order dated 26.11.2009 passed by Justice Jayanta Kumar Biswas in W.P. No. 150 of 2009. The said Order reads as follows:-

"WP No. 150 of 2009
In the High Court at Calcutta
Constitutional Writ Jurisdiction
Original Side.

Dr. Subharangsu Sekhar Chatterji Petitioner

Versus

University of Calcutta & Ors. Respondents.

Before :

The Hon'ble Justice Jayanta Kumar Biswas

Date : 26th November, 2009

The Court : Mr. Moitra, counsel for the petitioner, submits that the Writ Petition may be disposed of directing the respondents to declare the results of the selection process within the time fixed by the Court. He says that since the respondents were not interviewing the petitioner who became eligible to be considered for promotion under the career advancement scheme, the petitioner took out this writ petition; and

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that, in terms of the order of this court, the respondents interviewed the petitioner and the private respondent, but have not declared the results. He has said that delay in declaration of the results has been causing immense loss and prejudice to the petitioner. Mr. Bhattacharya, counsel for the university, submits that the writ petition has been taken out contending that the fifth respondent cannot be considered for promotion to the post of professor under the career advancement scheme, and that the respondents are under the obligation to consider only the case of the petitioner. He says that cases of the petitioner and the private respondent were placed for consideration of the appropriate authority.

It is thus evident that the selection process initiated according to provisions of the career advancement scheme for giving available benefits to the petitioner and the private respondent have not yet been concluded by giving final decision and communication such decision to all concerned. I have been told that the final decision has not been given and communicated because of pendency of this case. Under the circumstances, I think Mr. Moitra's suggestion to dispose of the writ petition directing the respondents to give final decision and communicate it to all concerned should be accepted, especially when Mr. Bhattacharya has no objection to making such an order.

For these reasons, I dispose of the writ petition ordering that within a fortnight from the date of communication of this order to the Registrar, University of Calcutta, the respondents shall conclude the selection process in which the petitioner and the private respondent have been considered for giving benefits under the career advancement scheme and the final decision of the authority concerned shall be communicated to all concerned including the petitioner. There shall be no order as to costs.

All parties to act on a signed xerox of this order on the usual undertakings.

Urgent certified xerox of this order, if applied for, shall be supplied to the parties within three days from the date of receipt of the file by the department concerned.

Sd/- Jayanta Kumar Biswas"

Upon a perusal of the aforementioned Order, it is evident that at the stage when the aforementioned Writ Petition had been filed, being W.P. No. 150 of 2009, the sole grievance of the Petitioner was that although the Respondents had interviewed the Petitioner as well as the Private Respondent herein (Dr. N.K. Chakraborty who is being represented by Mr. Nishit Ranjan Adhikary), they were not declaring the results of the said interview. Let it be recorded that the said interview pertained to promotion under the Career Advancement Scheme. With the aforementioned grievance, the petitioner's counsel made a suggestion before Justice Biswas that the Writ Petition itself be disposed

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of by directing the Respondents to declare the results of the selection process. It is thereafter that the University of Calcutta declared the results by which both the Petitioner as well as the Private Respondent No. 4 were promoted. While the Petitioner was promoted under the same Career Advancement Scheme to the post of Professor in the Department of Law with effect from 1.6.2007 (Annexure-P/1), the Private Respondent No. 4, on the other hand, was promoted to the post of professor in the Department of Law under the same Career Advancement Scheme with effect from 1.1.2007 (Annexure-P/5). Mr. A.P. Lahiri, learned Counsel appearing for the Petitioner states that his client (Subhranshu) is senior to the Respondent No. 4 (Nirmal Kanti) and yet, the University of Calcutta has made him senior by conferring his promotion with effect from 1.1.2007.

Under the circumstances, this Court is now fully satisfied that the Petitioner's grievance cannot be in relation to challenge of the promotion itself because the Petitioner's grievance at the earlier stage in W.P. No. 150 of 2009 was clearly that in spite of interviews having been held, the Respondents were not publishing the results and therefore all that he prayed for was for publication of the results. The University did that and therefore, the Petitioner cannot challenge the promotion of the Respondent No. 4 as has been prayed for in prayers (a) and (b). In fact all that the Petitioner can pray for is recasting of seniority but for that, a separate Writ Petition will have to be filed and the Petitioner may be found entitled to such a relief provided he is able to make out sufficient grounds for interference by this Court. Otherwise, even such a prayer may not meet with success.

It is indeed unfortunate that the Petitioner cleverly attempted to suppress the Order dated 26.11.2009 which was passed by Justice Biswas in W.P. 150 of 2009 and

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therefore, the anxiety of both Mr. Nishit Ranjan Adhikari as well as of Mr. Biswaroop Bhattacharjee seeking a recall of the order dated 18.5.2011, is justified. This Court therefore recalls the Order dated 18.5.2011 and dismisses the Writ Petition. However, dismissal of the Writ Petition will not prevent the Petitioner from filing a fresh Writ Petition in accordance with law but however, for having misled this Court into passing the said Order on 18.5.2011 by cleverly suppressing and withholding the Order dated 26.11.2009, this Court considers it appropriate to impose Costs. Consequently, a Cost of Rs. 10,000/- is imposed upon the Petitioner for suppressing the said Order dated 26.11.2009.

All parties concerned are to act on a Photostat signed copy of this Order on usual undertakings.

(Tapen Sen,J.)

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Annexure P13

GVERNMENT OF WEST BENGAL
The Public Service Commission
Kolkata
Mavikara, Howrah, 741 001

NOTIFICATION

No. 6634/F(H) dated, the 26th December, 2016. The exercise of the power conferred by article 313 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Public Service Commission (Conditions of Service and Miscellaneous Provisions) Regulations, 1953, issued with this Department notification No. 4615-B/P/S-8(29)53, dated the 13th November 1953 (hereinafter referred to as the said regulations) :-

Amendment

In the said regulations, -

- (1) In regulation 2, for clause C, substitute the following clause :-
"C. "Government" or "State Government" means the Government of West Bengal in the Finance Department";
- (2) After regulation 32, insert the following regulation :-
"33. Notwithstanding anything contained elsewhere in these regulations, it is hereby declared that the State Government may, for the purpose of determining the number of members of staff of the Commission and their optimal utilization, place the services of the officers or staff of the Commission in such manner, and subject to such service conditions, as may be determined by the State Government from time to time".

By order of the Governor,

Sd/- (H. K. Dwivedi)
Principal Secretary to the
Government of West Bengal

Dated, Howrah, 26th December, 2016.

No. 6634/1(10)-F(H)

Copy forwarded for information and necessary action to :-

- 1. The P.S. to M-I-C, Finance Department.
- 2. The Sr. P.S. to the Pr. Secretary, Finance Department.
- 3. The Chairman, Public Service Commission, W.B., 161A, S.P. Mukherjee Road, Kol-26.
- 4. The Secretary, Public Service Commission, W.B., 161A, S.P. Mukherjee Road, Kol-26.
- 5. The Secretary, Law Department, Writers' Buildings, Kolkata-700001.
- 6. The Superintendent, Saraswati Press Ltd., 11, B.T. Road Kolkata -700056.
- 7. With request to publish the notification in the next issue of the Kolkata Gazette.
- 7. Group -P2, Finance Department.
- 8. Shri Uttam Kumar Datta, Section Officer, Finance Department, Gr.-H.
- 9. Shri Kripasindhu Mukherjee, UDA, Finance Department, Gr.-H.
- 10. Office Copy.

OSD & Ex-Officio Assistant Secretary to the
Government of West Bengal.

Handwritten signature and date: 3.1.17

খবরত পাক বাস
যায়, তা হচ্ছে
ব না। কিন্তু তা
হয় উত্তরপ্রদেশ
রাজনীতিকেরা
তুরুপের তাস
হাতে— যাকে
রকাছে রাখেনি
ইশকুর সজাবনা
শে ভোট পর্ব
নকে বার্তা দিয়ে
ত কাল বার্তা

পন বনামসংগত পতনের...
আসা উচিত। কারণ, কংগ্রেস বা সপা
কেউই ফের ভোট চাইবে না। চাইবে
না, রাষ্ট্রপতি শাসন জারি করে দিলি
থেকে রাজ্য চালুক বিজেপি।
তবে ভোট গণনার আগের দিন
ত্রিপুরা নিয়ে যাবতীয় আলোচনা দলের
অন্দরেই। বাইরে দু'পক্ষই বুক বাজিয়ে
বলবে, সরকার তারাই গড়বে।
ভোট গোনা শুরু সকাল আটটা।
ঘণ্টা চারেকের মধ্যেই ঠিক হয়ে যাবে
উত্তরপ্রদেশ হোলির রং কী।



মনোহর: বরফে মোড়া শিমলার পার্কিং লট। শুক্রবার। পিটিআই

ক্রিয়াকর্মী একদল
কার্যত দু'ভাগ হয়ে
সংগঠন ইন্ডিয়া
অ্যাসোসিয়েশন (ও
শাখা আইএমএ-
শাখার ডাকে শুধ
প্রতিবাদে চিকিৎসা
আলোচনাসভায় উ
২৫০ জন বিলটি
হলে বন্দুকের ন
পরিবেশা দিতে।

বারুল, নর্দেশ

দাদাজ

বার শ্রেফতারি
হল কেন্দ্রীয়
প্রিয়র বিরুদ্ধে।
গতিতে আলিপুর
জুডিশিয়াল
রোয়ানা জারি
ত সুদেব খবর।
মহুয়া সেক্রেট
চযোগে কেন্দ্রীয়
পি সাংসদ বারুল
পতিবার চার্জশিট
পুর থানা। পুলিশ
দিয়ে দু'বার ডেকে
বারুলকে। কিন্তু
ননি, আদালতকে
ছিল। সরকারি
ন, পুলিশের
ওয়ার মনে তিনি
'বারুলের মতব্য,
ই নিরাপত্তা দেয়,
লাতক'।

কর্মী নেবে রাজ্য, তালিকা তলব বিধায়কদের থেকে

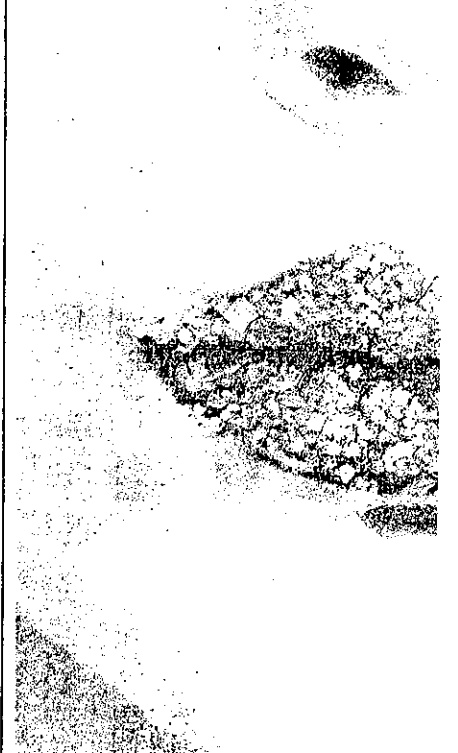
দেবারতি সিংহ চৌধুরী

পঞ্চায়েত ভোট আসছে। তার আগে
শাসক দলের সামনে সরকারি 'গ্রুপ
ডি' পদে কর্মী নিয়োগের জন্য দরজা
খুলে দিল নবাব।
তুণমুলের সব মন্ত্রী-বিধায়ককে
জানানো হয়েছে, গ্রুপ-ডি পদে
নিয়োগের জন্য সরকার পক্ষের মুখ্য
সচিবের নির্দেশ যোগের কাছে তাঁদের
বিধানসভা এলাকার পাঁচ জনের নাম
দ্রুত জমা দিতে হবে। অষ্টম শ্রেণি পাশ
পুরুষ বা মহিলার নাম সুপারিশ করা
যাবে। বয়স হতে হবে আঠারো থেকে
চল্লিশের মধ্যে। সুদেব খবর, 'গোপনে'
নাম নেওয়া শুরু হয়েছে।
সরকারি গ্রুপ ডি পদে নিয়োগের
অন্য সম্ভাবিত পরীক্ষা হয়েছে। ২০
লক্ষ প্রার্থী ওই পরীক্ষায় বসেছেন।

প্রশ্ন হল, যারা ওই পরীক্ষায় বসেছেন,
তাঁদের মধ্যে থেকেই কি পাঁচ জনের
নাম সুপারিশ করতে বলা হয়েছে?
জবাবে অস্বস্ত এক ডজন বিধায়ক ও
মন্ত্রী জানিয়েছেন, পরীক্ষায় বসেছেন,
এমন প্রার্থীর নাম নেওয়া বাধ্যতামূলক
নয়। বিধায়ক পিছ পাঁচ জনের চাকরি
হবে 'ডাইরেট'। তবে ওই চাকরি
স্বামী না টিকা, তা নিয়ে শাসক দলের
মধ্যেও খোঁয়াশা রয়েছে।
কিন্তু কোনও রকম পরীক্ষা বা
সরকারি বিজ্ঞপ্তি ছাড়া এ ভাবে কি
নিয়োগ করা যায়? তা ছাড়া এক
জন বা দু'জন নয়, ২১১ জন তুণমুল
বিধায়কের হাত ধরে হিসাবমতো
১০৫৫ জন চাকরির সুযোগ পাওয়ার
কথা। প্রার্থী আমলাদের মতে, এটা
করা যায় না। ফিন্যান্স রুল অনুযায়ী,
নূনতম মঞ্জুরি দিয়েও যদি অমিক

নিয়োগ করতে হয় সে ক্ষেত্রেও
সরকারকে বিজ্ঞপ্তি দিতে হয়।
'দলের লোকদের' চাকরি দেওয়ার
অভিযোগ অবশ্য এই সরকারের
বিরুদ্ধে প্রথম নয়। তুণমুল সরকারের
প্রথম অমান্য প্রাথমিকে শিক্ষক
নিয়োগের অন্যও বিধায়কদের থেকে
একই ভাবে নামের সুপারিশ নেওয়া
হয়েছিল। পরে যা নিয়ে বিতর্ক
হয়। তবে বিরোধী দলনেতা আব্দুল
মামানের বক্তব্য, "টেকের মতো এটাও
বড় কেলেঙ্কারি হবে। এ জন্য মোটা
টাকাও নেওয়া হচ্ছে" আর সিপিএম
সাংসদ খাতরত বন্দোপাধ্যায়ের
অভিযোগ, "মঙ্গের মূল্যকে যা হওয়ার
তাই হচ্ছে এ রাজ্যে তো টেকের জন্য
যারা ঘুষ নিল, তারা নবাব আসো করে
বসে রয়েছেন। যারা প্রতিবাদ করছেন,
তাঁদের জেলে পাঠানো হচ্ছে"।

Annexure P 14



নাজির নড়াই সুপ্রিম কোর্ট ও হাইকোর্টের বিচারপতিদের

রোয়ানার পাল্টা সিবিআই তদন্ত

ত অবমাননার
গারি পরোয়ানা
জিরবিহীন বলে
জীবী ও প্রাক্তন
গংশ। একই সঙ্গে
শীর্ষ আদালতের
রুদ্ধে হাইকোর্টের
পাল্টা সিবিআই
ফন— এ ঘটনাও
হয়েছে বলে তারা
ন না।
ল সুপ্রিম কোর্টের
র নেতৃত্বাধীন ৭
গরপতি কারনানের
যোগ্য শ্রেফতারি
করে। একই সঙ্গে



জবাব: সাংবাদিক বৈঠকে
বিচারপতি কারনান। শুক্রবার। ছবি:
শৌভিক দে

শীর্ষ আদালত নির্দেশ দেয় পশ্চিমবঙ্গ
পুলিশের ডিজি-কে সেই পরোয়ানা
কার্যকর করে আগামী ৩১ মার্চ
বিচারপতি কারনানকে সুপ্রিম কোর্টে
হাজির করাতে হবে।
সেই নির্দেশকে অসাংবিধানিক
অ্যাখ্যা দিয়ে এ দিন বিচারপতি
কারনানের দাবি, হাইকোর্টে কর্মরত
কোনও বিচারপতির বিরুদ্ধে সুপ্রিম
কোর্ট শ্রেফতারি পরোয়ানা জারি করতে
পারে না। তিনি দলিত সম্প্রদায়ের
বলেই তাঁর বিরুদ্ধে ওই পরোয়ানা
জারি করা হয়েছে। বিচারপতি কারনান
জানান, ওই পরোয়ানা প্রত্যাহার
করার জন্য রাষ্ট্রপতিকে জিনি অনুরোধ
করেছেন।

বিচারপতি কারনান বলেন,
"আমার বক্তব্য না শুনে, অভিযোগের
প্রাথমিক তদন্তকৃত না করে শীর্ষ
আদালত একতরফা শ্রেফতারি
পরোয়ানা জারি করতে পারে না।"
তিনি চান— কোন উদ্দেশ্যে এই
শ্রেফতারি পরোয়ানা জারি করা হল,
তফসিলি জাতি-উপজাতি নিপীড়ন-
বিরোধী আইনে সিবিআই তা তদন্ত
করে দেখুক।
কিন্তু সুপ্রিম কোর্টের
বিচারপতিদের বিরুদ্ধে তদন্ত চালানোর
এক্টিয়ার কি সিবিআইয়ের আছে?
বিচারপতি কারনানের জবাব,
"এক্টিয়ার রয়েছে বলেই তদন্তের
নির্দেশ দিয়েছি।"

একটি মিষ্টি
একটি মুচমুচে

বিক ফার্ম-এর নতুন সো সুইট।
ক্রিয় ফ্যাকার-এর সঙ্গে জুড়ে থাকে চিনির মজা।

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Annexure - P 14

ABP - 11/03/2017

Government will take workers,
lists have been called for from the MLA's

Debarati Singha Chowdhury

Panchayat Election is forthcoming. Before that, "Nabanna" has opened the doors in front of the ruling party, to recruit the workers directly in the post of "Group - D".

It has been informed to all ministers- MLAs of Trinamool to submit names of five candidates within their assembly area to chief whip, Nirmal Ghosh at once. They can recommend the names of male/female candidate who have passed eighth standard and the age should be within 18 to 40 years. Sources revealed that seeking of names have been started "secretly"/

Recently, an examination has been held for recruitment in the "Group - D" posts of State Govt. 20 lacs of candidates have appeared in that examination. The question is whether it has been asked to recommend names from those who sat for the examination? In reply, at least a dozen MLAs have stated that it is not mandatory to recommend names from the aforesaid examinees. Five persons per MLA will be recruited "directly". But there is confusion within the ruling party whether that appointment will be permanent or temporary. But whether such recruitment can be done without any examination or official notice! Apart from this, this is not only the appointment of one/two persons, holding the hands of 211 MLAs about 1055 person will get opportunity of having jobs. According to the senior bureaucrats this cannot be done. As per finance rule, Government has to give notification if it wants to recruit labour with minimum wages.

This is not the first time that the Government is accused of giving jobs to its "Party-men". During the early phase of Trinamool

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regime, MLAs were asked to recommend names for recruiting teachers in Primary Education, which later on became an issue of debate. But opposition leader Abdul Mannan stated, " this is also another scandal like TET". Hefty amount has been asked for". CPIM - MP Ritobrata Bandopadhyay has complained "it is a state of complete anarchy, so there are taking place. In this state, those who have taken bribe for TET are now holding high posts in 'NABANNA' and those who are protesting are landing in jail".

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT
JURISDICTION
APPELLATE SIDE

W.P. 12070 (W) of 2017

IN THE MATTER OF :

An application under Article 226 of
the Constitution of India.

-AND-

IN THE MATTER OF :

Ramchandra Bhattacharjee and Anr
....Writ Petitioner
Versus
State of West Bengal & Ors.
.....Respondents

WRIT APPLICATION

Nepesh Majhi
Advocate
C/O Samim Ahammed
Advocate
Bar Association Room No. 1
High Court, Calcutta