

As per order by Ld. Tribunal in the matter of
O. A. No. 224 of 2019, Suktanta Paul & Anr vs the State
of West Bengal & or.

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**WEST BENGAL PUBLIC SERVICE COMMISSION
RULES OF PROCEDURE**

1982

**WEST BENGAL PUBLIC SERVICE COMMISSION
BHABANI BHABAN, ALIPORE, CALCUTTA-700027**

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WEST BENGAL PUBLIC SERVICE COMMISSION

**“West Bengal Public Service Commission Rules of
Procedure”**

Part I

1. These rules shall be called “West Bengal Public Service Commission Rules of Procedure” and shall come into force with effect from 1st January, 1983.

2. In these rules, unless there is anything repugnant in the subject and context,

- (a) “Commission” means the Public Service Commission, West Bengal;
- (b) “Constitution” means ‘the Constitution of India’;
- (c) “Member” means a Member of the Commission and includes the Chairman or acting Chairman thereof;
- (d) “Service” and “Posts” means service and posts appointments to which are required to be made in consultation with the Commission under the Constitution of India.

Part II

Procedure of the Commission in regard to services and posts and disciplinary matters

BY EXAMINATION:

Recruitment Examination

3. When an examination is to be held for the purpose of recruitment to any civil service or civil post in connection with the affairs of the State, the Commission shall, subject to the provisions of sub-section (3) of Article 320 of Constitution of India and the West Bengal Public Service Commission (Exemption from Consultation) Regulations 1955,

- (i) advise in regard to the prescribing of
 - (a) the qualifications of candidates,
 - (b) the conditions of admission to the examination, and
 - (c) the scheme and syllabus of the examination;
- (ii) announce the number of vacancies to be filled from amongst the candidates of the examination;
- (iii) appoint paper setters, moderators, examiners, item writers, supervisors, invigilators etc.;
- (iv) make all arrangements for the actual conduct of the examination;
- (v) determine the qualifying standard for the examination;
- (vi) constitute Viva Voce/Personality Test Board for interviewing candidates declared qualified for Personality Test/Viva Voce;

- (vii) arrange the candidates in the order of merit on the results of the examination;
- (viii) make all necessary and consequential arrangements required in (i) to (vii);
- (ix) publish the results in such manner as may be deemed suitable by the Commission;
- (x) forward to the appointing authority, on the basis of the results, the names and other details of the candidates recommended for the vacancies reported.

Departmental Examination

4. When any examination is to be held to determine whether probationers or officers already in the service have sufficient knowledge of any language or of any law, rules or orders which they may be called upon to administer, or possess any other qualification, which can be tested by examination, to justify their confirmation or promotion in a civil post or service the Commission shall—

- (i) advise in regard to the prescribing of
 - (a) the conditions of admission to the examination,
 - (b) the syllabus of the examination, and
 - (c) the percentage of marks to be obtained for passing the examination;
- (ii) make all arrangements for the actual conduct of the examination; and
- (iii) publish the results in the "Calcutta Gazette".

1. (a) When so required by the Governor the Commission shall, subject to the provision of Rule 4, conduct examination of Government servants to test their proficiency or efficiency in languages or other subjects.

BY SELECTION:

5. Where recruitment to a service or post is to be made by selection, the Commission shall, subject to the provisions of Sub-section (3) of Article 320 of the Constitution of India and the West Bengal Public Service Commission (Exemption from Consultation) Regulations, 1955—

- (i) advise the appointing authority with regard to the rules regulating the qualifications of candidates;
- (ii) announce the number of vacancies to be filled and invite applications;
- (iii) consider all applications received and interview a sufficient number of eligible candidates;
- (iv) constitute Interview Boards

- (a) with one or more Members of the Commission or a nominee of the Chairman,

Note: Chairman/Member will preside in all interview Boards whenever he is associated; when two or more Members are associated, the seniormost Member will preside. In other boards constituted without a Member, the nominee of the Chairman shall preside.

- (b) The Board will, if necessary, be assisted by one or more specialists or experts of standing, not connected with the Department/Directorate concerned, chosen by the Commission.

- (c) In the said Interview Board the Commission may request an officer of appropriate rank ordinarily not below the rank of Joint Secretary or Head or Additional Head of the Directorate nominated by Government to represent the Department/Directorate for which recruitment is made.

- (d) The proceedings of the Board shall not be invalidated by reason of absence of any Member and/or Expert/Departmental representative.

- (e) Attempts should be made to come to a unanimous decision regarding the suitability or ranking of the candidates selected. If the Members of an Interview Board (of two or more Members) fail to arrive at a unanimous decision regarding the suitability or ranking of a candidate, the matter should be decided by taking the average of the marks given by the Members. If, however, there is a wide difference of marks it should be referred to the Chairman of the Commission.

- (f) Where a large number of applications is received as a result of advertisement, the Commission may, for the purpose of short-listing, hold a preliminary examination, even though such examination is not prescribed in the recruitment rules or mentioned in the advertisement. The Commission may, thereafter, call for interview a sufficient number of candidates in order of merit.

- (g) The Commission may determine the qualifying standards and also, if necessary, relaxed standard for Scheduled Caste/Scheduled Tribe candidates in the written/practical screening test and interview and the relative weightage to be given for academic career and experience for preparing final order of merit.
- (h) In case an open advertisement fails or is likely to fail to attract suitable candidates for a post, the duties and responsibilities of which demand a person of high qualifications and eminence, the Commission may, in consultation with the Government undertake negotiations with such persons as are not likely to apply in response to open advertisement.
- (v) forward to the appointing authority the names and other necessary details of the candidates whom it considers most suitable for appointment, arranged in order of preference; provided that the number of candidates recommended shall not exceed the number of vacancies to be filled.

BY PROMOTION:

6. In cases where recruitment is to be made by promotion to any post or service and consultation with the Commission is required, the Commission shall follow the principles of promotion as laid down in Finance (Audit) Department Memo No. 7119/F/FIS-25/72 dated the 1st

December, 1972 with subsequent modification(s), if any. The Commission

- (i) shall constitute a Board or Selection Committee consisting of one or more Members of the Commission;
- (a) the Board/Selection Committee in the case of promotion to Professorial posts in the West Bengal Senior Educational Service where evaluation of merit on the basis of Confidential Character Rolls is supplemented by interviews, may, if necessary, be assisted by one or more specialists or experts of standing in relevant subject;
- (b) In the said Board/Selection Committee the Commission may request an officer of the appropriate rank, ordinarily not below the rank of Joint Secretary or Head or Additional Head of the Directorate nominated by Government, to represent the department/directorate for which recruitment by promotion is made;
- (c) The proceedings of the Board shall not be invalidated by reason of absence of any Member, and/or Expert/Departmental Representative;
- (d) Attempts should be made to come to a unanimous decision regarding the suitability or ranking of the candidates selected. If the Members of a Board/Selection Committee (of two or more Members) fail to arrive at a unanimous

decision regarding the suitability or ranking of a candidate, the matter should be decided by taking the average of the marks given by the Members. If, however, there is a wide difference of marks it should be referred to the Chairman of the Commission;

- (ii) shall consider the claims of all officers who are eligible for being considered for promotion according to the Recruitment Rules laid down for the post/service in question;
- (iii) recommend to the Appointing Authority the names of persons who are considered suitable for promotion in order of merit;

7. Notwithstanding anything contained in Rule 6 above

- (i) the Commission may, in any particular promotion case, in the absence of adequate Confidential Character Rolls, decide the matter on the basis of available Confidential Character Rolls supplemented by interview;
- (ii) if in any particular case, the Board/Selection Committee constituted for the purpose feels that an interview is necessary, the matter should be referred to the Chairman by the Board/Selection Committee for a decision along with the reasons for which an interview is considered necessary.

In such cases, procedures laid in Rules 6 i(a), i(b), i(c), i(d) shall be followed.

8. In the case of promotion to different grades in the West Bengal Health Service and also of promotion of both the teaching group and the general group of the West Bengal (basic grade) Dental Service to the Selection Grade of the respective group of the same service, a Departmental Promotion Committee is constituted with the Chairman as the Presiding Officer. The Committee shall follow mutatis mutandis the procedure for making promotion and mode of functioning as laid down by the Government of India in their O.M. No. 22011/6/75-Estt(D), dated the 30th December, 1976 of Government of India, Cabinet Secretariat, Department of Personnel and Administrative Reforms.

Disciplinary and other matters

9. (a) Where the advice of the Commission is tendered in regard to disciplinary matters including appeals and memorials, the Commission shall see that the opinion given by the Commission forms part of the record of the case and is communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders in the case.

(b) The advice given by the Commission in any disciplinary case including appeals and memorials shall contain recommendations both in respect of the charge(s) as well as the punishment.

Part III

Proceedings of the Commission

10. In all cases the views of the majority of the Members of the Commission shall be the decision of the Commission. In case of tie, the Chairman shall have a second or casting vote.

11. The Chairman or in his absence the senior most Member shall preside over the meeting of the Commission.

12. The proceedings of the meeting of the Commission shall be recorded by the Chairman, or by the Member presiding, as the case may be; and it shall be open to any Member who dissents from a decision to record his dissent with reasons therefor.

13. The views of the Commission shall be communicated in the form of a letter signed by the Secretary or any other officer of the Commission's Secretariat authorised for the purpose and, in a case where the decision is not unanimous, neither the fact of, nor the ground for, dissent shall be communicated.

14. The Chairman may deal with routine matters or refer such matters to a particular Member(s) for disposal.

15. (a) The Chairman may refer any matter to a Committee consisting of one or more persons for consideration and report. In such a Committee a Member of the Commission may or may not be included. The Commission may take final decision on receipt of the report.

(b) The Chairman may constitute Board consisting of one or more Members for dealing with cases of recruitment by selection, promotion or examination. The Board may be assisted by the outside experts, whenever necessary.

16. The proceedings of any Committee or Board referred to in Rule 15 above shall not be invalidated by reasons of absence of any Member.

17. In all cases of recruitment by selection, promotion or examination the number of candidates recommended for appointment shall not exceed the number of vacancies reported by Government.

The Commission may, however, prepare a panel or keep a reserve list of suitable candidates. Such a panel or reserve list shall be drawn upon, strictly in order of merit, against future vacancies or requirements reported by Government. Such reserve lists or panels in the case of recruitment by selection or promotion shall remain effective for a period not exceeding 15 months.

18. The Commission may at its discretion call for interview a limited number of candidates either in case of promotion or of selection after advertisement. Such preliminary selection will be made on a scrutiny (i) of confidential character rolls in case of promotion and (ii) of the stated qualifications and experience in case of selection.

19. In any case in which the advice of the Commission is sought, the complete records of the case shall be forwarded to the Commission.

The Commission may, at any time, call for any record, report or information which may, in its opinion, be necessary to enable it to discharge its functions, from State Government or any Authority under the State Government.

20. In matters for which no provision has been made by these rules, the Commission may regulate its proceedings in such a manner as it deems fit.

21. The Secretary and other Officers of the Secretariat shall be responsible for necessary compliance with the provisions of these rules.

Part IV

Office Organisation

22. The Chairman will determine the set up and the organisation of the Secretariat of the Commission.

23. The Secretary is responsible for the general working of the office and its discipline subject to control by the Chairman.

24. 'Repeal and Saving'—The 'Rules of Business' framed by the Public Service Commission, West Bengal and followed by them prior to the coming into force of the 'West Bengal Public Service Commission Rules of Procedure' shall cease to have effect:

Provided that the coming into force of the 'West Bengal Public Service Commission Rules of Procedure' shall not affect anything done or action taken under 'the Rules of Business framed by the Public Service Commission, West Bengal.'

By order of the Commission,

(N. C. ROY)

Secretary,

Dated, Calcutta
The 29th July, 1982.

Public Service Commission,
West Bengal.