

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – O.A. 22 of 2020

SHRI ACHINTYA SRIMANI Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>1</p> <hr/> <p>16.01.2020</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate</p> <p>For the State Respondent: Mr. S. Ghosh, Advocate</p> <p>Affidavit of service filed be kept on record.</p> <p>The matter has come up under the heading “New Application”. Since the last date for filing application for the post of Medical Technologist (RD), Grade III of the West Bengal Sub-Ordinate Health Services under Health & Family Welfare Department, Government of West Bengal is 20th January, 2020 on the prayer on behalf of the applicant, as we find there is urgency, the matter is taken up for hearing.</p> <p>Mr. G.P. Banerjee, learned advocate for the applicant submits that as the applicant is a contractual employee on consolidated monthly remuneration since 12th April, 2017 and has been discharging his duties and as he possesses necessary qualification, appropriate interim order may be passed directing the respondents to allow him to file the application for the said post and to participate in the selection process. Submission is that, as evident from page 29 of this application, as representation dated 8th January, 2020 has been filed, appropriate order</p>	

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	<p>may be passed. In this regard our attention has also been drawn to the judgement in W.P. 2256 (W) of 2011 : Gobinda Chandra Mondal vs. Principal, Rabindra Mahavidyalaya : 2013 (1) CHN (CAL) 9.</p> <p>Mr. S. Ghosh, learned advocate for the State respondents, referring to paragraph 25 of the judgement in Gobinda Chandra Mondal (Supra), submits that as the said judgement, though directing relaxation of age, has imposed certain conditions, it is to be examined whether the applicant fulfils those conditions or not. Mr. Ghosh relies on the judgement passed on 23rd July, 2018 in W.P.S.T. No. 53 of 2018 : The Chairman, Public Service Commission, West Bengal vs. Palash Kumar Samanta & Ors.</p> <p>Heard Mr. Banerjee and Mr. Ghosh. Since we find that the applicant is a contractual staff since 12th April, 2017 and stated to be possessing the qualification for applying for the post of Medical Technologist (RD), Grade III and as he has submitted the representation dated 8th January, 2020 praying for condoning her age for filing the application for appearing in the selection process, we find a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order directing the respondent nos. 3 and 4 to allow the applicant to submit the application for the post of Medical Technologist (RD), Grade III in hard copy format without prejudice to the rights and contentions of the parties and</p>	

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SCN.	<p>subject to the further order that may be passed. If the selection process is undertaken, the applicant will be allowed to participate. However, the mark sheet and answer script of the applicant shall be kept in sealed cover and the result shall not be published without the leave of the Tribunal. It is made clear that this order will not create equity in favour of the applicant.</p> <p>Let reply be filed by 25th February, 2020. Rejoinder, if any, by 16th March, 2020. Matter to appear under the heading “Reply, Rejoinder and Objection” on 18th March, 2020.</p> <p>As prayed for, let plain copies of this order be given to the parties.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	