

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. –MA 117 of 2022 (OA 1 of 2022)

Dr. Santana Biswas Mitra +Another - VERSUS - The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S. Ghosh, Mr. B. Nandy, Learned Advocates.
<u>1</u> 27.09.2022	For the State Respondents	: Mr. G.P. Banerjee, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant MA has been filed praying for following relief :

- (a) “An order do issue directing thereby the concerned respondent authorities, particularly the Respondent No. 5 to immediate re-cast the Panel for the post of Homoeopathic Medical Officers incorporating thereby the names of the applicants, particularly when it is evident that the applicants have scored more marks than the last selected SC Category Candidate.
- (b) An order do issue directing thereby the concerned respondent authorities to appoint the applicants immediately in the post of Homoeopathic Medical Officers particularly when it is evident that the applicants have scored more than the last selected SC Category Candidate.
- (c) A direction do issue upon the concerned respondent authorities to forthwith produce and/or cause to be produced the entire records relating to the applicants' case and on such production being made, render conscionable justice upon perusing the same.
- (d) Leave be granted under Rule 4(5)(a) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 to file a single application by more than one applicant having regard to the cause of action and nature of relief prayed for, being the same.

ORDER SHEET

Form No.

Dr. Santana Biswas Mitra +Another

Vs.

Case No. **MA 117 of 2022 (OA 1 of 2022)**

The State of West Bengal & Ors.

(e) To pass such other or further Order or Orders as to this Hon'ble Tribunal may deem fit and proper in the ends of justice."

The counsel for the applicants has submitted that with respect to the applicant no. 1, this Tribunal by order dated 08.07.2022 had made it clear that the pendency of the application would not be a bar to allow the applicant to join the post. Therefore, she has prayed for prayer 15(a) only. However, with regard to prayer (b), the applicant does not want to press the same at present with a liberty to take appropriate steps in this regard.

The counsel for the respondents has submitted that even selection does not give her any right to appoint, until and unless, she would be found fit in Medical Examination and PVR. However, as the case of Dr. Santana Biswas Mitra i.e. applicant no. 1 has been send for PVR and the result has yet to be received by the authority. Therefore, the applicant is not entitled to get appointment at this stage.

Accordingly, the applicant is directed to delete the prayer 15(b).

Let the matter be listed on 20.12.2022 along with OA under the heading "Admission Hearing."

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

HS