

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. OA – 156 of 2024**

**Alok Nath Shaw - VERSUS - THE STATE OF WEST BENGAL & ORS.**

|                                    |                     |                                      |
|------------------------------------|---------------------|--------------------------------------|
| Serial No.<br>and<br>Date of order | For the Applicant   | : Mr. S. Sanyal,<br>Advocate         |
| <u>3</u><br>11.09.2024             | For the Respondents | : Mrs. S. Bandyopadhyay,<br>Advocate |

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed in this application for setting aside the Notification No. R/Homeopathic Lecturer/21/12(12)/Practice of Medicine/2023 dated 16.10.2023. This is an advertisement floated by the West Bengal Health Recruitment Board for recruitment to the post of Homeopathic Lecturer. The applicant has argued that a new criteria has been added in this advertisement in violation of the West Bengal State Homeopathic Education Service (Recruitment) Rules, 2015. The particular proviso appearing in the application at serial no. 4 under “Marking Criteria for Experience” stipulates the following:

“Possession of Teaching Experience in a recognised institute in Homoeopathy/Allopathy (in the concerned subject)”.

Against this description a total 7.50 marks has been shown. Attention has been drawn to the said Rules G(2) which defines qualification required for the post of Lecturer. It is not in dispute that the requirements in both the advertisement as well as the Recruitment Rule speak about the “experience”. In the advertisement which was referred to by the learned counsel under I(ii)(4), the words used for such experience is “Teaching Experience” and in the Recruitment Rules notified on 6<sup>th</sup> October, 2016 under ‘G’, essential qualification has been described and preference has been shown for those candidates who hold experience for working as RMO/ or House Physician in Homoeopathic Hospitals. Submission is that the addition of I(ii)(4) for possession of teaching experience is not a part of the Recruitment Rules. Therefore such advertisement is a deviation from the Rules.

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**Vs.**

**THE STATE OF WEST BENGAL & ORS.**

Mrs. Bandyopadhyay, learned counsel wishes to take instructions and present her views through her submissions with support of a reply on behalf of the State respondents.

Let the matter appear under the heading 'Hearing' on 25.03.2025.

**SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P/S.M.