

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 – 251 of 2024

Dr. Amit Kumar Bera - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. M.N. Roy,
and		Mr. G. Halder,
Date of order		Advocates
3		
11.09.2024	For the Respondents	: Mr. G.P. Banerjee,
		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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for a direction to the respondent authorities to award 10 marks for having 8 publications as per the marks distribution pattern specified in the advertisement published for the post of Dental Surgeon-cum-Clinical Tutor. Attention has been drawn to the advertisement no. 54(1)/2018 issued by the West Bengal Health Recruitment Board, in which appearing at 'e' for distribution of marks, maximum of 10 marks has been shown for publications. Since the applicant was not accepted as a successful candidate and recommended for the post, he obtained relevant informations through the RTI Act. In the said reply, the applicant has been informed that the last successful candidate under the category SC to which he also belongs had scored total 70. The reply also informs the applicant that he had obtained a total of 69.5 under various categories but had been awarded '0' against the category-publications. Submission of Mr. Roy is that despite presentation of those publications at the time of verifications during the interview, no mark has been allotted to him. The applicant, as per Mr. Roy, had presented his following publications:

Sl. No.	Title of the Publication	Published by	Date of Publication
1.	Attachment Retained Removable Prosthesis - A Case Report	Clinical Dentistry, Mumbai	July, 2012
2.	Prosthetic rehabilitation of edentulous ridge defect by Andrews Bridge system	JIDA, W.B., Vol. – 29, No. 3	November, 2013
3.	NONRIGID CONNECTOR: A STRESS BREAKER (CASE REPORT)	JIDA, Burdwan, Vol. – 1, No. 2	July, 2011
4.	Magnet retained intraoral – extra oral	J Adv Prosthodont	2012

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	combination prosthesis: a case report		
5.	Choice of Denture base material	JIDA, W.B., Vol. – 31 No. 2	July, 2015
6.	MANAGEMENT OF UNFAVOURABLE RIDGE CONDITIONS IN COMPLETE DENTURE FABRICATION – A CASE REPORT	IDA, W.B., Vol. – 32 No. 1	March, 2016
7.	Attachment retained removable partial denture prosthesis for severe ridge defect	KDJ, Vol. – 35 No. 3	July, 2012
8.	Rehabilitation of maxillary arch using overdenture utilising PRECIHORIX bar and rider system – A case report	JIDA, W.B., Vol. – 31 No. 1	March, 2015

Finally, Mr. Roy submits that in a similar matter, this Tribunal in OA – 759 of 2019, being satisfied with the prayer had passed a direction upon the respondent authorities to consider giving suitable marks to the applicant against his publications. It is also submitted that the Hon'ble High Court in WPST 108 of 2023 upheld the order of the Tribunal in OA – 759 of 2019 and subsequently the applicant in OA – 759 of 2019 was given suitable marks against his publications.

Mr. Banerjee, learned counsel for the State respondents does not disagree to the facts as submitted by Mr. Roy.

From the submissions of the learned counsels and perusal of the records, it is evident that a maximum of 10 marks was reserved in the advertisement for the said post against "Publications". The word publication has been described at serial no. 9 of the list of documents to be shown in the Documents Verification-cum-Interview Call Letter. As per this information, publications only in **Index Journal** by 1st or corresponding author will be considered. From the copies of the first page of this Journal shown in this application, it is very clear that the name of the applicant, Dr. Amit Kumar Bera is shown as the author or one of the authors in the above publications. It is not understood why despite presentation of copies of these publications, no marks was allotted to the applicant.

Having heard the submissions of the learned counsels and considering the facts

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and circumstances, the Tribunal directs the respondent no. 4, the Secretary and Controller of Examination, West Bengal Health Recruitment Board to give an opportunity of hearing to the applicant, who shall present copies of the Journals published by him as an author. Upon examinations of these publications, if the respondent no. 4 is satisfied that these have been published in accordance with the requirement stipulated in the advertisement, he shall give suitable marks. If it is found that the applicant after getting suitable marks against the publication comes within the zone of consideration, further necessary action may be taken as per law. This direction shall be carried out by the Respondent no. 4, the Secretary and Controller of Examination, West Bengal Health Recruitment Board within a period of twelve weeks from the date of communication of this order.

Accordingly, this application is disposed of.

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

A.K.P/S.M.