

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 – 252 of 2024**

**Dr. Mrinal Kanti Dholey - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.	For the Applicant	: Mr. M.N. Roy,
and		Mr. G. Halder,
Date of order		Advocates
<u>3</u>		
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 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 for a direction to the respondent authorities to award 10 marks for having 6 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 OBC - B to which he also belongs had scored total 71. The reply also informs the applicant that he had obtained a total of 66 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.	Comparative estimation of salivary and serum C – reactive protein levels in chronic periodontitis with or without type II diabetes mellitus: A clinico – biochemical study	SRM Journal of Research in Dental Sciences	2018
2.	Two Unusual Gingival Enlargements – Case Reports of Gingival “Fibroma”	Journal of Dental and Medical Sciences, Volume 17	October, 2018

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3.	The Crown Lengthening Surgery: Two Case Reports	ASIAN PACIFIC JOURNAL OF HEALTH SCIENCES	2018
4.	PUBERTAL GINGIVITIS – A CASE SERIES	IDA, W.B., Vol. – 33, No. 3	November, 2017
5.	Treatment Of Fixed Orthodontic Appliance Induced Gingival Enlargement – A Case Report	JODE, Kolhan University (Jharkhand), Vol. 4, No. 1	January, 2017
6.	Comparative Estimation Of Salivary And Serum Alkaline Phosphatase Levels In Chronic Periodontitis Patients With Or Without Type – II Diabetes Mellitus – A Clinico – Biochemical Study	JODE, Kolhan University (Jharkhand), Vol. 5, No. 2	July, 2018

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 1<sup>st</sup> 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.