

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 – 440 of 2023**

**Pranoy Kumar Marjit & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : Mr. Saurav Bhattacharjee,  
and Advocate

Date of order

5  
25.07.2024

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 applicants have filed this application before this Tribunal praying for a direction to the respondent authorities to allot them 5 (five) marks against their experiences in the Government sector. The contention of the applicants is that though they have such an experience as stipulated in the advertisement, but no marks were allotted for this. Though copy of advertisement is not available in this application, it is understood that it had made provision for 5 (five) extra marks for the perspective candidates, who had the experience of at least one year of having worked in the Government sector. This is evident from the Annexure-I which appears to be the break-up of marks scored by each successful candidate. For instance, the serial no. 1 candidate, Moumita Pradhan has been allotted 5 (five) marks against “*working experience with Government (FM-5) (for 1 year or more)*.” Similarly, in the case of one of the applicants, Soma Ghosh appearing at serial no. 116, 0.00 has been shown against such an experience. Mr. Ghosh, learned counsel for the applicants draws this Tribunal’s attention to page 24 which appears to be a copy of a certificate issued by the Director, State Drugs control & Research Laboratory, Government of West Bengal to Soma Ghosh for her having an experience as a Laboratory Assistant in the Institute since 08.02.2013. Similarly, the applicants (i) Pranoy Kumar Marjit and (ii) Santanu Prosad Dutta possess a certificate issued by the Works Manager, Bengal Chemicals & Pharmaceuticals Ltd on 04.03.2016.

Available in this application is also a Notification No. 10/CON/WBHRB/2017 dated 24.08.2017 which appears to be the draft gradation list of Inspector of Drugs for

OBC-B candidates. In this list, the same applicant, Soma Ghosh appears at serial no. 03. Similarly, the names of other applicants can be seen in the draft gradation list under their respective social categories. Subsequently, after consideration of all objections, the respondent authorities published the final gradation list on 20.12.2022. Finally, Mr. Ghosh draws attention to the representation filed by Soma Ghosh before the respondent department in which she has pointed out that despite having the experience in the Government sector, she was not allotted the required additional 5 (five) marks against such experience. In the representation, she points out that she had scored a total of 79.50 marks and if the 5 (five) marks against her experience had been allotted, she would have got a total of 84.50 marks and thus, her position in the draft gradation list would have been higher.

Mr. G.P. Banerjee, learned counsel appearing for the respondent authorities, however, does not agree to the points as submitted by Mr. Ghosh. At the very outset, he is emphatic in his submission that his application is barred by limitation for the reason that the applicants have come to this Tribunal in the year 2023 challenging the list of recommended candidates published in the year 2017. Such recommended candidates had also joined their respective places of posting on 28.09.2018. Further submission is that though the advertisement had made a provision for allotment of 5 (five) additional marks against the candidates experience in a Government sector, but such valid certificate was to be presented by the candidate at the time of interview itself during 2017-2018. In the case of Soma Ghosh as referred by Mr. Ghosh, her certificate itself is dated 18.04.2017 and such certificate was never presented, not only at the time of interview nor at any point of time before the respondent authorities.

From the submissions of the learned counsels and records in this application, it is clear to the Tribunal that the applicants are agitating a cause which occurred at the time of their participation in the selection process for the post of Inspector of Drugs in 2017. The contention of the applicants is that at the time of final scrutiny of their documents, the respondent authority, West Bengal Health Recruitment Board did not award 5 (five) marks to them against their experience. The applicants have conveniently not mentioned the date of the final merit list published by the Board. However, after being selected they joined their respective post on 28.09.2018. The Tribunal has not found

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any document to show that the applicants had ventilated their grievances for not being awarded the 5 (five) marks for experience, neither at the time of publication of the merit list nor had a later stage. The applicants also did not furnish any representations before the respondent authorities, having accepted appointment letter and having joined the post in the year 2018. Now, the applicants feel that had such 5 (five) marks been awarded to them during their selection for the post of Inspector of Drugs, the applicants would have been placed higher in the final gradation list published on 20.12.2022. In this list, applicant Santanu Prosad Dutta belonging to OBC category is placed at serial 30. In the OBC-B category, Soma Ghosh is placed at serial 03. Applicant, Pranoy Kumar Marjit is placed as serial no. 1 under the SC category. It is not understood why this applicant being on top of the gradation list in SC category is agitating against the gradation list. Be that as it is, the Tribunal finds that the prayer of the applicants for a direction to award 5 (five) marks against their experience in the selection process is barred by limitation. The applicants cannot file such an application having a prayer for a cause which had occurred in the year 2017. At this belated stage, after having realised that the 5 (five) marks against the experience if it is awarded now would help them to be placed higher in the final gradation list is not a valid prayer at this stage.

In view of the above observations, the Tribunal does not find any merit in this application and the same is disposed of without passing any orders.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P