

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 – 596 of 2024

Md. Albert Mollick - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. G. Roy,
and Advocate

Date of order
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10.12.2024 For the Respondents : None.

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 setting aside the decision of the West Bengal Health Recruitment Board rejecting his online application for the post of Homeopathic Medical Officer. The Board had published an advertisement on 29.02.2024 giving details of requirements for the candidates to fulfil and documents to be uploaded. The applicant's application was rejected on the ground that "Attempt / Chance Certificate is not uploaded. Please upload proper document as per the advertisement." By a notice dated 05.07.2024, the Board allowed such candidates an extended time to upload their information/documents through the online method. The last date for submission of these documents was 15.07.2024. The applicant having told in the rejection order that his Chance/Attempt Certificate was not uploaded, approached his college. The Principal of Birbhum Vivekananda Homeopathic Medical College and Hospital issued him such a Chance Certificate on 09.07.2024. From copy of this certificate, it is clearly understood that the applicant had cleared all his four examinations during 2003 – 2007 in one chance. As required by the rejection order, the applicant submitted this certificate by the Principal through the online method on 12.07.2024. The applicant had submitted this certificate before the last date. However, the application was again rejected now on the following ground:

"Chance Certificate issuing date is after the stipulated date of final submission as per advertisement date." As per the advertisement, the last date for submission of uploading of the documents was 21.03.2024.

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Submission of Mrs. G. Roy, learned counsel for the applicant is that the applicant never had to make a second attempt to clear any of his subjects during the course of the study. Further, the respondent authority has made a serious error in declaring him as a candidate who had to submit such Chance/Attempt Certificate.

Having heard the learned counsel for the applicant and after examination of the records in this application, it has become clear to this Tribunal that the applicant had cleared all his examinations without requiring to attempt a second time. This is evident from the copy of mark sheets available in this application and also from the certificate issued by the Principal of the College. It is not understood why the respondent authority while examining his documents came to the conclusion that the applicant had not cleared some of his examinations in one chance and therefore a Certificate of Chance/Attempt was required to be uploaded by him. The respondent authority had clearly ignored to examine the mark sheets and the Certificate issued by the Principal. It is also not convincing that the reason given while rejecting again on the ground that such Chance Certificate is dated after last date of submission as per the advertisement. By publishing a notice dated 05.07.2024, the Board had clearly indicated 15.07.2024 as the last date for submission of relevant documents. The applicant had submitted the certificate issued by the Principal on 12.07.2024, as evident from the screen shot of the Board's website. It is not logical that when the notice gave 15.07.2024 as the last chance for submission of the document, such submission was rejected on the ground that the advertisement had given 12.07.2024 as the last date. Such decision was not only whimsical but also without application of mind.

Thus, from the above observations, the Tribunal is not satisfied that rejection was on a valid ground. Therefore, the Tribunal being not satisfied with the reasons given for rejection of the applicant's application passes an interim direction to the respondent no. 3, Secretary and Controller Examination, West Bengal Health Recruitment Board to allow the applicant to appear for the interview for recruitment for the post of Homeopathic Medical Officer. However, such participation does not create any right in

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favour of the applicant. Since it is understood that the last date for interview is already over, the Tribunal's direction for allowing the applicant to appear for interview be accommodated within any date in the month of December, 2024.

Let copy of this Order be communicated to the Respondent No. 3, Secretary and Controller Examination, West Bengal Health Recruitment Board by the applicant.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P/H.S.