

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 – 687 of 2023

Mithu Patra Mukhopadhyay & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	: Mr. K. Jha,
and		Mr. M. Dutta,
Date of order		Advocates
<u>3</u>		
02.04.2024	For the Respondents	: Mr. S.Ghosh,
		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.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

The primary prayer in this application is for a direction to the respondent authorities to select the applicants on promotion to the post of Staff Nurse, Grade-II after setting aside the impugned order of Director of Health Services dated 09.08.2023.

The applicants having the G.N.M. qualification and working as Health Assistant (Female) had applied for the post of Staff Nurse, Grade-II. The counsel for the applicants submits that despite all eligibility like having a G.N.M. course and having scored more than 50% in the Higher Secondary Exam the applicants were not considered for appointment as Staff Nurse, Grade-II.

Mr. Ghosh, learned counsel on behalf of the State respondent, however, submits that, as required, the applicants were supposed to express their option for applying in the said post as per Notification dated 16th August, 2012 and subsequent corrigendum dated 19.09.2012. But none of the applicants expressed such willingness in the prescribed format. Thus, they were not considered for this post.

The Tribunal finds that the copy of advertisement in this application is not at all readable, and therefore, directs both the sides to present a better copy on the next date of hearing. Further, the Tribunal also directs the applicant's side to present copies of the applications submitted by the applicant for the post of Staff Nurse, Grade-II. The respondent authorities are also directed to present copies of the merit list and other relevant documents for consideration of this Tribunal on the next date.

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THE STATE OF WEST BENGAL & ORS.

Let the respondent side file a reply in the matter by the next date and let a copy of the reply be served upon the other side. Rejoinder, if so wished by the applicants.

Let the matter appear under the heading 'Hearing' on 02.07.2024 at 10.30 a.m.

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

A.K.P