

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 1022 OF 2019**

**DR. SUBHRANGSHU DUTTA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Dr. Chapalesh Bandyopadhyay,  
and Ms. Anandamoyee Dutta,  
Date of Learned Advocates  
order

13 For the State Respondents : Mr. Gautam Pathak Banerjee,  
04.09.2025 Learned Advocate

For the Respondent No.3 : None

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) 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, in this original application, has prayed for a direction to the respondent authorities to award him five marks in terms of item 'd. of the Advertisement stipulating the marks allotted for working experience as teacher in government sector in West Bengal and two marks in terms of item 'e.' of the Advertisement stipulating the marks allotted for publication and to accommodate the applicant in the exact position in the merit list to which the applicant deserves to be placed.

The applicant joined the post of Dental Surgeon (Basic Grade) in the District Hospital of Darjeeling on 21.05.2012. He was not allowed to take part in the departmental promotion to the post of Dental Surgeon cum Clinical Tutor in the year 2014 since he did not complete stipulated three years of service. He used to work as Clinical Tutor and was being assigned regular classes. He participated in a recruitment examination conducted by the West Bengal Health Recruitment Board in 2016 and in 2019 as per advertisement No. R/DSTD/54(1) / 2018 dated 09.10.2018 in terms of West Bengal Act V of 2009 : The West Bengal State Dental Service Act, 2009, published in Kolkata Gazette on 5<sup>th</sup> May, 2009. As per the said advertisement of 2018 for Direct recruitment of 52 officers to the post of Dental Surgeon cum Clinical Tutor/Demonstrator in West Bengal Dental Education Service, online applications were invited against total 52 vacancies. Besides all other eligibility criterias, the distribution of marks were as

**ORDER SHEET**

Form No.

**DR. SUBHRANGSHU DUTTA**

Vs.

Case No. - OA 1022 OF 2019

**THE STATE OF WEST BENGAL & ORS.**

follows:

“d. Working Experience as Teacher in Government Sector in West Bengal – 05 (maximum) (1/year)

e. Publications – 10 (maximum) (2/Publication)”

From an R.T.I. reply it appears that the applicant secured ‘0’ out of 5 in (d.) Working Experience and ‘0’ out of 10 in (e.). The applicant was not awarded any marks, neither in experience nor in publication.

The Tribunal wanted to know whether the applicant had submitted any representation before the respondent authority ventilating his grievances as to why such marks were not awarded to him. The answer of the learned counsel for the applicant was that the applicant did not furnish any such representation.

As can be seen from the copy of the advertisement appearing in the sub-title Distribution of Marks, all the applicants were required to apply for this post through online method and all certificates and testimonials etc. were to be also uploaded and the last date of submission of application along with uploading of all relevant documents as shown was 05.11.2018 (8PM). Although the applicant’s side has not satisfied the Tribunal that he had submitted the application along with the testimonials through upload, Dr. Chapalesh Bandyopadhyay, learned counsel for the applicant argued that the admit card issued to the applicant is itself sufficient to prove that his application along with the documents were successfully uploaded. In the reply, the Board mentioned that the applicant submitted copies of his publications during the day of the interview for which he was not awarded any marks for column (e.) of the Marks Distribution – stipulated in the advertisement.

Mr. Banerjee, learned counsel points out that in terms of the advertisement, such documents were to be uploaded before the last date which was 05.11.2018. Further, Mr. Banerjee submits that the applicant was not awarded any marks for the experience since he did not furnish such a certificate before the Board.

After examination of the records, the Tribunal finds the core issue is whether the applicant was entitled to get 5 marks for experience and 2 marks for publications. As can be observed from the above statements, since the applicant did not furnish any experience certificate, he was not awarded marks. Thus, there are no infirmities or procedural error

**ORDER SHEET**

Form No.

**DR. SUBHRANGSHU DUTTA**

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**Case No. - OA 1022 OF 2019**

**THE STATE OF WEST BENGAL & ORS.**

or biasness in the recruitment process on the part of the Board. There is no violation of West Bengal Dental Service Act, 2009 as alleged by the applicant.

In view of the above observations, the prayers of the applicant has no merit and thus, disposed of without passing any orders.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL