

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 130 of 2020.

WASIM AKHTAR-Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G. Halder, Advocate.
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<u>14</u> 18.8.2022	For the State Respondents	: Mr. S. Ghosh, Advocate.
	For the Private Respondent.	: Mr. M.N. Roy, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application Wasim Akhtar, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :-

“a) Issue an order by directing the respondents to award 10 marks to the applicant for his post graduate degree in Ayurvedic for the selection of Sr. Ayurvedic Medical Officer under OBC-A Category in Health and Family Welfare Department, Government of West Bengal.

b) Issue an order by directing the respondents to prepare fresh panel for the post of Ayurvedic Medical Officer under OBC Category by awarding 10 marks for his Post Graduate Degree in Ayurvedic.

c) Issue an order by directing the respondents to recommend the name of the petitioner for the Post of Sr. Ayurvedic Medical Officer under Health and Family Welfare Department after awarding 10 marks for his post graduate degree...”

The matter was admitted. Reply and rejoinder have been filed and are on record. It is submitted by Mr. G. Halder appearing on behalf of the applicant that though the applicant was having a Post Graduate qualification in

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Ayurveda from a recognised university as stipulated in the advertisement published by the West Bengal Health Recruitment Board, however, it appears from the reply filed by the respondents that it was not taken into consideration for evaluation and appointment as he had filed a provisional certificate. Submission is as Maharashtra University of Health Science, Nashik had issued provisional certificate in lieu of a degree certificate, which was issued later, the case of the applicant was not considered and no marks was allotted for having post graduate qualification.

Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents relying on the reply submits that as the applicant did not furnish the original degree certificate and provisional certificate from Maharashtra University of Health Science, Nashik was furnished, no order may be passed.

Heard learned advocates for the parties.

Admittedly the applicant had furnished a provisional certificate regarding successful completion of post graduate qualification in Ayurveda from Maharashtra University of Health Science, Nashik, a recognised university as the University authorities at the relevant point of time, as evident from the submission of the parties, was unable to furnish degree certificate. Therefore, there was no fault on the part of the applicant in not furnishing the degree certificate and had furnished the provisional certificate regarding his post graduate qualification in Ayurveda. However, subsequently post graduate diploma in Ayurveda was submitted. Since the applicant was not at fault in not furnishing the original degree certificate regarding post graduate qualification in Ayurveda, the application is allowed by directing the Secretary and Controller of Examination, West Bengal Health Recruitment Board, - the respondent no. 2(iii) to reassess the qualification of the applicant and shall award marks for having post graduate degree in Ayurveda from Maharashtra University of Health Science, Nashik, a recognised university within eight weeks from the date of presentation of a copy of this order downloaded from

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the website of the Tribunal and if thereafter, the applicant comes within the zone of consideration, order be issued by the said respondent recommending the name of the applicant for the post of Senior Ayurvedic Medical Officer.

(SOUMITRA PAL)
CHAIRMAN.

Sk.

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