

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 136 of 2023

Tanmoy Maity - Vs - The State of West Bengal & Others.

Serial No. and
Date of order

03
24.01.2024

For the Applicant : Mr. Soumen Dutta,
Learned Advocate.

For the State Respondents : Mr. D. Kole,
2 to 4 Learned Advocate.

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 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 counsels for the parties, the case is taken up for consideration sitting singly.

An advertisement was published by West Bengal Health Recruitment Board to initiate the selection process for the post of Homeopathic Medical Officers. A total number of 243 such posts were to be filled up through the selection process. The name of this applicant not having featured in the recommendation list, this application was filed praying for direction to the respondent authorities to appoint him for this post. Mr. Dutta, learned counsel for the applicant draws attention to the document at page 37. This correspondence from the department to the Recruitment Board dated 08.09.2022 informs that out of a total number of 243 recommended candidates, 8 (eight) number of such recommended candidates failed to join the post within time line. These 8 (eight) candidates belong to different social categories. The Department advises the Board to recommend a fresh list of 8 (eight) candidates to fill up these vacant posts according to categories. The applicant belongs to the UR category and according to the counsel there are five vacant posts

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available for such category.

In response to the facts and circumstances as narrated above, Mr. Kole presents a copy of a document which appears to be the Minutes of the Board Meeting of the West Bengal Health Recruitment Board held on 20.12.2022. Specific attention is drawn to Para (G) of this document. It appears from a close reading of this para that the Recruitment Board have decided to communicate to the Department, that it does not have any such panel from which names could be recommended to fill up the 8 (eight) vacant posts. Mr. Kole submits that the Board does not maintain such a panel beyond names already recommended to the Department. Further, the Board also does not maintain any list of overall performance by of unsuccessful candidates who have not been recommended either in the form of digital or in hard copy. Therefore, the Board express its difficulty in recommending new names to the Department to fill up these 8 (eight) vacancies.

Mr. Dutta prays for accommodation to go through this document and submit by filing relevant documents in support of his prayer by the next date.

Let the matter appear under the heading Hearing on **30.04.2024.**

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

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