

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 169 of 2021

**DIP SARKAR & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

03  
06.08.2021

For the Applicants : Mr.G.P.Banerjee  
Advocate  
For the State Respondents : Mr.S.Ghosh  
Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Though the matter has appeared under the heading “Reply, rejoinder and Objection”, Mr.G.P.Banerjee, learned advocate for the applicants submits that the matter may be taken up for hearing to which Mr.S.Ghosh, learned advocate for the State respondents, in his usual fairness, does not oppose.

I find that the matter was admitted on 19<sup>th</sup> April, 2021, when directions were issued to file reply and rejoinder. However, till date as no reply has been filed on behalf of the State authorities, the statements made in the application are deemed to have been admitted by the respondents.

In this application, the applicants have prayed for a direction upon the respondents to allow the applicants to secure marks for having experience in the private sector in the recruitment process for the post of Medical Technologist (Lab) Grade-III under the West Bengal Health and Family Welfare Department, Government of West Bengal. Prayer has also been made to allow the candidature of the applicants for the post of Medical Technologist (Lab) Grade-III as they have the “requisite qualification” and to allow marks for their experience in the private sector like other contractual employees in the

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Government sector. It is submitted by Mr. Banerjee, since in the earlier year relaxation was made for allotment of marks for the experience in the private sector and as representation dated 1<sup>st</sup> February, 2021 has been made before the authorities ventilating their grievances, appropriate order may be passed for consideration of the said representation.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents submits that the allocation of marks regarding experience in the private sector, which was taken into consideration in the earlier years, and was not a bench mark in the year under consideration, the action of the State is just and proper.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, the respondent no.3 to dispose of the representation dated 1<sup>st</sup> February, 2021 by passing a reasoned order to be communicated to the parties after giving an opportunity of hearing to the applicant no.1 or any one of the applicants authorised by the applicant no.1 and after verifying the records and after consulting the Director of Health Services, Government of West Bengal, the respondent no. 2.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the official website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

BLR

(SOUMITRA PAL)  
CHAIRMAN

**ORDER SHEET**

Form No.

**DIP SARKAR & OTHERS**

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