

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 18 of 2020

Askaruddin Ahmed - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>11</u> 25.04.2022	For the Applicant	: Mr. D. Kar, Mr. H. Mustafi, Advocates.
	For the State Respondent	: Mr. G.P. Banerjee, Advocate.
	For the Respondent No. 4 & 5	: Ms. Mousumi Hazra, Advocate.

In this application, Askaruddin Ahmed, the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“(i) A direction to the authority concerned to allow your petitioner to join in the post of Senior Ayurvedic Medical Officer.

“(ii) To pass an interim order regarding the respondents from taking the other two candidates till the disposal of the application.”

It appears that the applicant had participated in the selection process for recruitment to the post of Senior Ayurvedic Medical Officer in West Bengal Ayurvedic Health Service under Health and Family Welfare Department, Government of West Bengal. He appeared in the interview and the select list was published on 26th July, 2019. The applicant could not succeed. He came to learn that 652 applicants had appeared in the selection process and 98 candidates have been selected. An application under the Right to Information Act, 2005 was made before the West Bengal Health Recruitment Board on 7th August, 2019. The applicant got an answer by intimation dated 16th September, 2019, being Annexure-P/3 to the application, wherefrom it appears that total marks obtained by him was 57.97 and his rank was 154 in the combined merit list of 652. The allegation is that two candidates namely Sabad Aktar and Ahmed Ali

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Ansari who ranked 9th and 10th in the OBC-A list had been selected overlooking his claim though he secured more marks.

Mr. H. Mustafi, learned advocate for the applicant submits that since the applicant is much more meritorious than the private respondents, direction may be issued upon the respondents to appoint him as Senior Ayurvedic Medical Officer.

Ms. Mousumi Hazra, learned advocate for the private respondent nos. 4 and 5 denying the allegations made in the application and referring to paragraph 9 of the reply filed submits total marks secured as Sabad Aktar 61.05 whereas the applicant secured 57.97 and thus, the applicant was behind the private respondent no. 4 in the select list and, therefore, the rank of the applicant cannot be 154. Referring to the reply filed by Ahmed Ali Ansari, the private respondent no. 5, it is submitted that the said candidate secured 60.68 which is much more than 57.97 secured by the applicant and, therefore, the applicant cannot be 154th in rank.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents, submits that the application is misconceived as evident from the rejoinder wherein the statements made by the private respondent nos. 4 and 5 have not been denied.

With regard to the allegations made against A. Islam, a candidate we find that as he is not a party to the proceedings, we refrain from making any comments thereon.

Having heard learned advocates for the parties, since we find that admittedly, the total marks obtained by the applicant was 57.97 and the private respondent nos. 4 and 5 secured 61.05 and 60.68 respectively,

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which is higher than the total marks obtained by the applicant, no order is passed on the application.

The application is dismissed.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS