

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA- 207 of 2023

Anindita Sarkar & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. G.P. Banerjee, Mr. Probal Sarkar, Mrs. S. Mitra, Ld. Advocates.
<u>06</u> 18.06.2024	For the State Respondents	: Mr. S. N. Ray, Ld. Advocate.
	For the WB Health Recruitment Board	: Mr. R.K. Mondal, Ld. 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.

This application has been filed praying for a direction to the respondent authorities to publish a fresh result of all the candidates who participated in the selection process for the post of Dental Technician/Dental Mechanics under the Health & Family Welfare Department. The contention of the learned counsels for the applicant is that though the applicants were allowed to appear in the interview and marks were also allotted for it, but marks for experience and educational qualification were not allocated. As per the advertisement published, 75 marks was reserved for academics, 10 marks for experience and 15 marks for interview.

Mr. Ray and Mr. Mondal, learned counsels respond to this by referring to the note in page 141. In this copy of the document which appears to show the total marks obtained by the successful candidates and the interview marks obtained by the applicants. It is noted that the respondent authorities have considered their interview marks only on the following reason, which is stated in the Note. :

“It is to be noted here neither in the order dated 14.06.2022 nor in the order dated 10.11.2022 passed by the Hon'ble WBAT there is any comment/direction on the Hon'ble WBAT regarding eligibility of the applicants for which they were rejected by the Technical Experts as valid applicant. Hence, in compliance with the order dated 10.11.2022 the name of the above mentioned applicants are furnished below with their interview marks only.”

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In the order of this Tribunal in OA-355 of 2022 dated 14.06.2022, the respondent authority was directed to *“allow Anindita Sarkar, Dibyendu Khan, Kallol Bhowmick and Brajagopal Jana, the applicants to appear for the selection process for the post of Dental Technician/Dental Mechanic, Grade-III to be held on 15.06.2022 or any subsequent date without prejudice to the rights and contentions of the parties and subject to further orders that may be passed.”*

Having heard the submissions of the learned counsels and on examination of the records, the Tribunal has observed that the applicants were aggrieved by decision of the Technical Experts of the West Bengal Health Recruitment Board in treating their applications as invalid applications. Such decision to treat these applications as invalid was primarily due to the reason of submission of Certificate Course in Dental Mechanics. Copies of such Certificates appearing in this application clearly indicates that the applicants had obtained “Dental Mechanics Certificate Course” from Dr. Rafi Ahmed Dental College & Hospital in the year 2010. It is not in dispute that the advertisement had clearly asked for 2 years Diploma in Dental Technician as an essential qualification. Also not in dispute is the fact that applicants were Certificate and not Diploma holders.

Apart from above, learned Counsels for the State respondents draw my attention to two other grounds of rejection, which are :-

(i) Essential Experience/Government Experience

Candidate uploaded Pass certificate instead of Experience Certificate.

(ii) Essential Qualification :

All mark sheets were not uploaded.

From the above, it is clear that the applicants, at the very first stage, were not eligible to participate for being Certificate and not Diploma holders. Further, their applications were not found valid on the reasons given above.

In the opinion of the Tribunal, by being Certificate holders, the applicants were not eligible to participate in the recruitment process when the essential qualification was two years of Diploma in respective fields i.e. Dental

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Mechanics/Dental Hygienist. The Tribunal is also not satisfied that by uploading online the wrong documents, the applicants can agitate and pray for allowing them to participate. Though the applicants were allowed to participate in the interview in terms of this Tribunal's direction, but their claim for awarding them marks under Experience and Academic Qualification has no merit. Therefore, these applications being devoid of any merit is **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS