

**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 267 of 2021.

**SOURAV ROY CHOWDHURY - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. G. Haldar, Advocates
<u>02</u> 23.07.2021	For the State Respondent	: Mr. G.P. Banerjee, 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 Tribunal Act, 1985.

Perused the order dated 31<sup>st</sup> March, 2021.

Mr. S. Ghosh, learned advocate appearing along with Mr. G. Haldar, learned advocate for the applicant submits that though the applicant has the necessary qualification for being appointed to the post of Medical Technologist, Grade III, however, the respondent authorities, as evident from paragraph 4 (iv) have not taken into consideration his 'experience' which is the relevant criterion of evaluation. Prayer is direction may be issued on the respondents, particularly the respondent no.3 to re-assess the marks with regard to 'experience'.

It is further submitted that the petitioner has secured 62.6 marks in total whereas the last selected candidate under unreserved category secured 62.8 and if proper assessment is made and appropriate mark is granted, without deducting three marks in the 'experience' category, the petitioner is to succeed. Prayer is appropriate direction may be issued for necessary correction of marks obtained by him in the 'Experience' category and order may be passed for giving him

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appointment. Prayer is leave may be granted to furnish documents regarding 'experience' before the respondent no.3.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent submits that the State authorities are not opposed for reassessment of marks of the applicant with regard to his 'experience'.

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

- “a) An order do issue thereby directing the respondent authorities to issue appointment letter in favour of the applicant for the post of “Medical Technologist (LAB) Grade III” after reevaluating the marks as per the Advertisement No. R/MT/Phar/Physio/48/2/2018 within a stipulated time period.”

It appears that the applicant, pursuant to the advertisement for recruitment to the post of Medical Technologist (Lab) Grade –III, had applied for the post and was issued with the documents verification cum interview call letter. The applicant appeared in the interview. However, the name of the applicant did not feature in the list of successful candidates and owing to his non selection, the applicant through his learned advocate filed an application under the Right to Information Act, 2005 seeking certain information. It is stated that he was informed that the last of selected candidate in the unreserved category secured 62.8 marks whereas the applicant got 62.6 marks in total. According to him, since there was a wrong deduction of three marks in the 'experience' category and if proper marks are given, the applicant is entitled to be appointed. Prayer is appropriate direction may be issued for grant of marks under the 'experience' category and

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appropriate order may be passed for giving him appointment.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to furnish documents with regard to his “experience’ before the Secretary and Controller of Examinations, West Bengal Health Recruitment Board – the respondent no.3 within a week from the date of communication of this order. Thereafter, the respondent no.3 shall dispose of the matter by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing, after verifying the records and after re-assessing the marks obtained by him with regard to his “experience”.

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 website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SCN.

(SOUMITRA PAL)  
CHAIRMAN