

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- 288 of 2023

Dr. Sk. Mohammad Ismaile -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order <u>06</u> 29.08.2024	For the Applicants For the State Respondent	: Mr. Sourav Bhattacharjee, Ld. Advocate. : Mr. D. Kole, Ld. Advocate.
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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.

In terms of a direction of this Tribunal in OA 21 of 2022, the Secretary and Controller of Examinations, West Bengal Health Recruitment Board was advised to consider the representation of the applicant and pass a reasoned order. Such a reasoned order was passed which is being assailed before this Tribunal in this application. The core issue revolving around this matter is whether the certificate of experience submitted by the applicant deserves to be given four (04) marks in terms of the advertisement published for recruitment to the post of Homoeopathic Medical Officer. The reasoned order did not accept the Certificate of Experience given by the BMOH on the ground that the BMOH of Raina-II Block, Purba Bardhaman is *“not proper as the BMOH is claiming to have given him appointment as Homoeopathic Medical Officer are done by proper Government authority which in this case is not followed. The BMOH on his own cannot give such appointments.”*

To understand what the reasoned order refers to such an appointment given to the applicant as Homoeopathic Medical Officer by the BMOH, attention is drawn to memo. no. 46 dated 14.01.2013. After perusal of this document, it is clear and not disputed by Mr. Kole that this appointment letter was issued to the applicant by the CMOH and Secretary, District Health and Family Welfare Samity, Bardhaman and not the BMOH. This fact of the reasoned order erroneously stating that the BMOH issued an appointment letter is not disputed. However, Mr. Kole wishes to take instructions and find out which appointment letter issued by the BMOH was referred in the reasoned order.

Another area which needs clarity is the designation of the applicant as Medical Officer (School Health) mentioned in his appointment letter dated

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14.01.2013. Both the learned counsels have been advised to check whether the applicant was appointed as a Medical Officer or a Homoeopathic Medical Officer. Reply to this question will be relevant so far the Experience Certificate as Homoeopathic Medical Officer is related. The validity of such an experience as Homoeopathic Medical Officer will be questionable if the applicant was appointed as a Medical Officer and not as a Homoeopathic Medical Officer. Further, it has been pointed out by Mr. Bhattacharjee that the figure 68 mentioned in the reasoned order as the aggregate marks of the applicant is not correct. Submission is that the applicant had scored 78 marks in total, a fact which is also mentioned at two places in the very reasoned order. Mr. Kole has also been advised to check this apparent anomaly.

Let the matter appear under the heading "**Hearing**" on **05.02.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS