

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.

Case No. – OA 29 of 2021.

DR. PINKI KHATUN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. G.P. Banerjee, Mr. S. Bhattacharjee, Advocates.
<u>2</u> 25.01.2021	For the State Respondent	:	Mr. S.N. Ray, Advocate.

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

Affidavit of service filed be kept on record.

In this application Dr. Pinki Khatun has prayed for several reliefs, the relevant portion of which is as under :-

a) “.....A direction do issue upon the concerned respondent authorities, particularly the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, i.e. the respondent no.3 herein, to forthwith allow the applicant herein to participate in the ensuing recruitment process for the post of “Homoeopathic Medical Officer” under Health and Family Welfare Department, Government of West Bengal taking into account the certificate of registration issued by the Council of Homoeopathic Medicine, West Bengal.....”.

It appears that pursuant to an advertisement by the West Bengal Health Recruitment Board, the applicant had applied for the post of Homoeopathic Medical Officer along with the provisional registration certificate issued by the Council of Homoeopathic Medicine, West Bengal. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that though the interview has been fixed on 27th January, 2021, however, the respondent

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authorities are not allowing her to appear in the interview as she was unable to produce the scanned copy of the original Certificate of Registration at the time of filing the application. Submission is since the interview is going to be held on 27th January, 2021, the respondents may be directed to allow the applicant to appear in the interview as in the meantime she has received the Certificate of Registration on 17th August, 2020, being annexure “C” to the application. It is also submitted that though representation dated 29th December, 2020 has been filed before the Secretary, Health Recruitment Board – the respondent no. 3, no steps have been taken. Aggrieved this application has been filed.

Mr. S.N. Ray, learned advocate for the State respondents submits that since in the advertisement it was clearly indicated that candidates must upload photo, signature and Homoeopathic Council Registration Certificate with the scanned copy of the original at the time of filling up the application form, steps taken by the respondents are proper and legal.

Heard learned advocates for the parties.

There is no dispute that the applicant at the time of filing the application for the post of Homoeopathic Medical Officer had filed Certificate of Provisional Registration, having registration number 7302 issued by the Council of Homoeopathic Medicine, West Bengal, appearing at page 15 of the application. Thereafter, the Council of Homoeopathic Medicine, West Bengal on 17th August, 2020 had issued Certificate of Registration having certificate number 32912. The question is whether the respondent authorities were justified in denying the applicant from appearing in the interview as she could not file the Certificate of Registration at the time of filing the application.

In my view, there is no dispute that the Provisional Certificate of Registration issued by the Council having provisional registration is genuine. As the Council at that relevant point of time could not provide the Certificate of Registration, Certificate of Provisional Registration was issued which was

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valid for a period of one year. That itself shows that it was deemed to be treated as original in the absence of issuance of Certificate of Registration, which was subsequently issued on 17th August, 2020. Hence, the Certificate of Provisional Registration was issued by the authorities in lieu of the Certificate of Registration. Thus, the action of the respondents in not allowing the applicant to appear in the interview for want of Certificate of Registration is uncalled for and illegal. Accordingly, The Secretary, Health and Family Welfare Department, Government of West Bengal, The Director of Homoeopathy, Directorate of Homoeopathy, Government of West Bengal and the Secretary and Controller of Examinations, West Bengal Health Recruitment Board – respondent no. 1,2 and 3 respectively, are directed to allow the applicant to appear in the interview to be held on 27th January, 2021 or on any subsequent date, which may be fixed by the said authorities. The application is disposed of.

Urgent plain copies of this order be furnished to the parties.

(SOUMITRA PAL)
CHAIRMAN.

Skg.