

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 291 of 2024

Dr. Partha Pratim Das. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. A. Sen, Mr. S. Kar, Advocates.
<u>01</u> 20.06.2024.	For the State Respondents	: Mr. G. P. Banerjee, 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.

The affidavit of service filed today be kept on record.

The applicant has prayed for a direction to the respondent authorities to allow him to participate in the interview session this year for recruitment to the post of Dental Surgeon –cum – Clinical Tutors / Demonstrators in Dental and Medical Colleges in the cadre of the WBDES.

From the submissions of Mr. A. Sen, learned counsel for the applicant, it appears that his candidature was rejected for the reason that his D.C.I. Registration Certificate is not updated as on the last date of submission of the application (31.03.2023). Mr. Sen differs from such ground of rejection and draws my attention to a copy of the document in this application appearing at page -53 in which the West Bengal Dental Council has issued a Certificate of Registration in the name of Dr. Partha Pratim Das, having Registration No. 3941. The second page of this certificate shows its validity till 31.12.2024. Submission is that despite having such an updated Registration Certificate, the West Bengal Health Recruitment Board refused to allow him to appear in the interview.

Mr. Banerjee, learned counsel for the State respondents has shown a copy of a notice dated 20.02.2024 issued by the Secretary & Controller of Examinations, West Bengal Health Recruitment Board. By

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this notice, the Board had given another opportunity to those candidates whose applications were rejected for some reason in the first round. These candidates were asked to re-open the requisite portal link and upload their relevant documents between 20.02.2024 (02:00 p.m.) to 29.02.2024 (02:00 p.m.).

Mr. Sen submits that in compliance to this notice, the applicant also tried to upload the relevant documents including the main document in which his Registration Certificate was renewed up to 31.12.2024. However, due to technical glitches, though the portal showed the documents have been uploaded, but the same was not showing in his profile. This fact was conveyed to the concerned official of the Board, both in writing and through physical appearance, but it appears they were not convinced. Submission is that it would suffice if the Board is requested to allow this applicant for a personal hearing and examine his documents and allow him to appear in the interview. To this, Mr. Banerjee does not object and agrees that if such a direction is given to the Board, the same will be considered.

Having heard the submissions and considering the facts and circumstances of this case, the Tribunal is satisfied that prima facie, there is merit in contention of the applicant. Though his application was rejected on ground of an expired Certificate, but he deserves another chance to prove his Certificate's validity. This Tribunal having examined the second page of the Registration Certificate has observed that it was renewed up to 31.12.2024. Perhaps, the relevant page was somewhat either not uploaded or not examined by the Board. To meet the ends of justice, the applicant should be given an opportunity to show his documents in person before the respondent authorities. Therefore, the Tribunal directs the Respondent No. 5, the Secretary & Controller of

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Examinations, West Bengal Health Recruitment Board to allow this applicant the opportunity to present his documents before him, in particular the document which shows his Certificate of Registration was renewed up to 31.12.2024. After examining these documents and if satisfied and otherwise eligible, the applicant may be allowed to appear in the interview for the post of Dental Surgeon –cum – Clinical Tutors / Demonstrators in Dental and Medical Colleges in the cadre of the WBDES.

The applicant is directed to file a fresh representation before the Respondent No. 5, the Secretary & Controller of Examinations, West Bengal Health Recruitment Board and submit the same along with a copy of this order and all relevant documents by 21.06.2024.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

SM