

**ORDER SHEET**

**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 295 OF 2021**

**SUBHADEEP CHOWDHURY - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

For the Applicant : Mr.Sourav Bhattacharjee  
Advocate

13

13.12.2024

For the State Respondents : Mr.Goutam Pathak 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Mr.Bhattacharjee, learned counsel appearing on behalf of the applicant has submitted the following:

From the records and submissions of Mr.Bhattacharjee, learned counsel for the applicant, it is understood that the applicant had participated in the selection process for the post of Inspector of Drugs conducted by the West Bengal Health Recruitment Board in the year 2018. Out of 3 posts, 2 posts for UR and 1 post for SC category were reserved. The applicant belongs to the UR category. After the conclusion of the process, 3 candidates were recommended as per the category mentioned above, but the name of the applicant did not feature in the list. Submission of Mr.Bhattacharjee is that though the Board displayed the names of 3 candidates being recommended, but such notice did not give the breakup of marks obtained by these recommended candidates. Similarly, the Board did not publish the breakup of marks of any candidates who had participated in the interview. By not displaying and revealing the marks, the Board concluded the entire selection process lacking transparency.

**ORDER SHEET**

Form No.

**SUBHADEEP CHOWDHURY**

Vs.

Case No : **OA 295 OF 2021**

**THE STATE OF WEST BENGAL & OTHERS.**

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In response to the statements made by Mr.Bhattacharjee, Mr.Banerjee, learned counsel had submitted that though this advertisement was published in the year 2018 and the entire selection process completed by 26.07.2019, this applicant filed this application before this Tribunal in 2021, therefore, it is barred by limitation. Mr.Banerjee also argued that though Mr.Bhattacharjee had used the words “lack of transparency” in the entire selection process, but nowhere in the application such a deficiency on part of the Board has been stated. Besides the above point, the Board could not recommend the name of this applicant for the primary reason that he did not possess or presented a certificate of his having completed a practical training in the manufacture of Ayurvedic or Unani Drugs as stipulated in the advertisement.

Responding to the point of limitation raised by Mr.Banerjee, Mr.Bhattacharjee had argued that the final list of the recommended candidates was published by the Board only on 26.07.2019. The application was filed on 30.03.2021 which was delayed due to the restrictions imposed during the Covid-19 Pandemic. Coming to the main ground of non selection of the applicant for being failure to present a copy of experience certificate, Mr.Bhattacharjee, had shown a certificate issued by Allen Laboratories Limited at page 4 of the supplementary application. Question before the Tribunal is whether this certificate sufficiently meets the definition as given in the advertisement or not, but more than this, the most important question is whether the certificate was presented by the applicant during the document verification stage. Mr.Banerjee is very emphatic that such a certificate was not produced by the applicant at that stage, therefore, his name was not considered fit to be allowed for the interview. Mr.Banerjee has submitted this important

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point on the basis of the statement signed by the Secretary and Controller of Examination, West Bengal Health Recruitment Board.

The Tribunal has examined the statement of the Secretary and Controller of Examinations which records, “non submission of essential qualification certificate (practical training experience in Ayurvedic Siddha Unani). Accordingly his candidature was rejected.” In absence of any evidence presented by the applicant’s side on the contrary, the Tribunal is inclined to accept the written statement of the Secretary of the Recruitment Board, who being a senior and responsible officer of the Government would not have made a false statement before this Tribunal. Accordingly, the Tribunal has come to this conclusion that the applicant had failed to fulfil one of the important eligibility criteria and thus not recommended for such post. The Board was right in taking such decision.

The application is disposed of without passing any order.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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