

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 308 of 2024.

PRASANTA KUMAR BHOWMICK - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra,
Advocate.

02
23.09.2024

For the State Respondents : Mr. G.P. Basnerjee,
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 applicant had participated in the recruitment process for the post of Homoeopathic Pharmacist which was published by advertisement No. R/HP/19/2022. In the advertisement, the West Bengal Health Recruitment Board had notified the anticipated vacancies for different social categories. The Board had anticipated the vacancy of both male and female under Scheduled caste category to be 34. During the selection process by a corrigendum dated 08.2.2023, the Board brought down this anticipated vacancies under Schedule caste category from 34 to 32. Subsequently, when the selection process was completed, the Board published the panel list of names of total 32 (thirty-two) successful candidates under Scheduled caste category. The applicant did not find his name in this panel.

Submission of Mrs. Mitra, learned counsel is that the applicant who was at serial no. 34 should have been considered under this panel for the reason that the advertisement had clearly indicated the anticipated vacancies under Schedule caste category to be 34. Her submission is that the Board should not have changed the rules in the midst of the selection process and brought down the vacancies from 34 to 32, thus denying an opportunity to the applicant, who was at serial no. 33.

Mr. Banerjee, learned counsel for the State respondents, however, disagrees and submits that the advertisement only stated such vacancies as

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anticipation. By such anticipation, it does not however mean that such vacancies were fixed and final.

The matter is admitted.

Let the matter be listed under the heading "Hearing" on 26.3.2025.

Reply and rejoinder, if any, in the meantime.

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

HS/Skg.