

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-308 of 2024

Prasanta Kumar Bhowmick - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

04
15.05.2025

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

For the State Respondents : Mr. G.P. Banerjee,
Learned 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 was 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 was that the Board should not have changed the rules in the

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

Having heard the submissions of the learned counsels and after examination of the records in this application, the Tribunal has come to this conclusion that the prayer of the applicant does not have any merit. It has to be appreciated and accepted that the decision in changing the number of vacancies is the sole discretion of the respondent authority. Moreover, such change was not secretive but was very well published in the public domain. The Tribunal cannot ask for reasons why the earlier vacancies of 34 seats were reduced to 32 by publication of a corrigendum. These are purely administrative decisions and such upward or downward modification for the vacancies may have been necessitated due to administrative reasons. The Tribunal cannot find any justification in the applicant's contention that such change was illegal and cannot be done in the midst of the selection process.

With the above observation, the Tribunal disposes of this application without any orders as it did not find any merit in the prayers.

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