

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 327 of 2023

Rakhi Mondal. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. D. Pattanayak, Advocate.
<u>03</u> 23.08.2023.	For the State Respondents	: None.

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.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

Despite service of notice on two occasions as per direction of this Tribunal, none has been appearing on behalf of the respondents.

It appears from the record that a reasoned order was passed by the Secretary and Controller of Examinations, West Bengal Health Recruitment Board on 10.03.2023, the relevant portion is as under :-

“As the Technical Expert concerned accept the Diploma Certificate submitted by the applicant, I am of the view that prayer of the applicant can be acceded to.

It is to be noted here that this order will not be treated as precedent for subsequent similar cases.

Hence, Sr. Deputy Secretary, Recruitment Cell, is directed to initiate necessary action accordingly.”

Submission of Mr. D. Pattanayak, learned counsel appearing on behalf of the applicant is that despite such clear acceptance of her candidature and direction, till today no appointment letter has been issued to the applicant.

It is evident from the reasoned order that the Technical Expert had accepted the Diploma Certificate of the applicant. Upon acceptance

ORDER SHEET

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of such certificate by the Technical Experts, the Secretary and Controller of Examinations, West Bengal Health Recruitment Board had directed his Senior Deputy Secretary, Recruitment Cell to initiate “Necessary Action accordingly”. The logical conclusion to such “Necessary Action” was issuing an appointment letter to the applicant for the post of Assistant Superintendent (NM), Grade –II. Despite such direction and lapse of time, the applicant has not been offered any such appointment letter till today.

In view of the above facts and circumstances, this Tribunal directs the respondent no. 2 (d) – the Secretary and Controller of Examination, West Bengal Health Recruitment Board to issue such an appointment letter in favour of the applicant for the post of Assistant Superintendent (NM), Grade –II within eight weeks from the communication of this order and communicate the same to the applicant within two weeks from the date of the appointment letter.

Accordingly, the application is disposed of.

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

SM