

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 330 OF 2024

SOUMYA CHATTERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	None
and Date of order	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate
<u>4</u> 15.05.2025	For the Respondent Nos. 4 and 5	:	Mr. Gaurav Haldar, Learned Advocates

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 prayer in this application is for a direction to the respondent authorities to appoint the applicant in the post of 'Inspector of Drugs' under the Directorate of Drugs Control.

The applicant participated in a selection process as per advertisement dated 22.02.2016 conducted by the West Bengal Health Recruitment Board for appointment to 88 posts of Inspector of Drugs. Some unsuccessful candidates of the same selection process, in order to get an employment, approached the Tribunal by way of filing O.A. 1046 of 2017, wherein the selection process was stayed. Later by an order dated 27.09.2018 of the Tribunal, the application stood dismissed. By way of filing W.P.S.T. 120 of 2018, the same selection process was challenged before the Hon'ble High Court. In its order dated 28.01.2020, the Hon'ble Court observed that the marks for additional experience (10 marks) and working experience (5 marks) are illegal, therefore, 15 marks be set aside. In terms of such direction, the total mark was set to 85 instead of 100. The applicant was not a party in the case referred above. The applicant secured 83.5 marks out of 100 marks but after the order of the Hon'ble High Court on 28.01.2020, it came to 78.5 out of 85 marks. It appears from record that the last selected candidate, Sudip Kumar Jash secured 88 marks out of 100 marks, but after the order of the Hon'ble

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High Court on 28.01.2020, it came to 78 marks out of 85 marks. The order dated 28.01.2020, passed in W.P.S.T. 120 of 2018, related to a selection process in the year 2016 and the Hon'ble High Court specifically observed that the benefit of the order was given to the eligible candidates who participated in that particular case only. The Hon'ble Court resisted themselves from interfering with the selection process as a whole since the selected candidates had already been appointed and had been working as Inspectors of Drugs for quite some time. The applicant, being a fence sitter at that point of time, has not been allowed to get advantage of the order of the Hon'ble Court after more than seven years.

Mr. Banerjee, learned counsel submits that since the matter relates to the selection process of 2016, it has been barred by limitation.

Thus, finding no merit in this application, it is disposed of without passing any orders.

SCN.

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