

**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 332 of 2024.

DR. USHASI GHOSH CHAUDHURY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

02  
18.11.2024

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Advocates.

For the State Respondents : Mr. R.K. Mondal,  
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.

Affidavit of service filed today be kept on record.

The applicant has prayed for setting aside the impugned order passed by the Special Secretary (AYUSH), Health and Family Welfare Department dated 06<sup>th</sup> March, 2024. Earlier the West Bengal Health Recruitment Board had recommended the name of the applicant for the post of Senior Ayurvedic Medical Officer (SAMO). However, the Health and Family Welfare Department in its order dated 06<sup>th</sup> March, 2024 cancelled her candidature for the post assigning the following reason:-

*“.....At the time of recruitment process, she was not registered under Paschim Banga Ayurved Parishad....”.*

Representing the applicant, Mr. M.N. Roy, learned counsel first draws my attention to the advertisement published by the Board dated 12.12.2022. This advertisement showing a total 17 posts for Senior Ayurvedic Medical Officer under UR category required the candidates, besides fulfilling other eligible criteria, to have been registered either in Part A of the State Registrar of Ayurvedic Medical Practitioner maintained by the Paschim Banga Ayurvedic Parishad or in Part I of the Central Registrar maintained by the Central Council of Indian Medicine. The last date

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of submission of online being 12.12.2022, the advertisement clearly required the candidates to show their valid registration on or before the last date of submission of application.

Mr. Roy has submitted that by a Gazette of India Notification dated 16<sup>th</sup> February, 2022, the National Commission for Indian System of Medicine Act, 2020 (NCISM) came into force replacing the Central Council of India Medicine (CCIM) Regulation, 1986. Submission is that after enactment of this Act, the candidates were now required to be registered under NCISM. Attention has been drawn to a document of NCISM in which the name of the applicant is shown as serial no. 1700 having NCISM registration no. NR/AY/WB/0001700. Such registration with NCISM was on the basis of her registration with the Paschim Banga Ayurvedic Parishad having registration no. 12219 dated 02.05.2014. It is also submitted that the applicant relinquished the Parishad certificate after registering herself with Maharashtra Council of Indian Medicine, Mumbai. Her Maharashtra certificate registration is dated 13.04.2022.

Having brought the facts of this case in the submission as recorded above, Mr. Roy submits that the Respondent authorities were wrong in rejecting the applicant's case on the ground she did not possess a certificate of registration with Paschim Banga Ayurvedic Parishad. On the day she filled her application for the post of SAMO. Mr. Roy emphasises the fact that the Respondent authority completely ignored the fact that the advertisement had given the option of registration either with Parishad or with CCIM. As submitted earlier, CCIM has been replaced with NCISM by an Act of Government of India. The applicant holds a valid NCISM certificate as recorded in the above submission.

Responding on behalf of the State respondent, Mr. Mondal, learned counsel submits that the applicant had failed to submit a valid registration certificate at the time of verification of documents. The date 16.01.2024 was the date of verification of such certificates. He also points out that the applicant's registration with Parishad had been cancelled on 14.07.2023 on the ground that she was registered

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with the Maharashtra Council. Relying on Memo dated 16.1.2024 issued by the Registrar, Paschim Banga Ayurvedic Parishad, Mr. Mondal also points out that the applicant could not produce NCISM registration certificate at the time of verification of documents.

Having heard the submissions and on examination of the records, the Tribunal is of the observation that it is not in dispute that the applicant had a valid registration with the NCISM during the recruitment process where 12.12.2022 was the cut off date. It is also not in dispute that the applicant having migrated to the Maharashtra Council had got her Parishad certificate cancelled. What appears now is the question whether the applicant had presented her valid NCISM certificate before the Respondent authorities on the date of document verification.

It is also pertinent to understand from both the sides which certificate the applicant had uploaded while filling the online application, the Parishad certificate or NCISM certificate? The Tribunal directs the State respondents to check the records and present before it details of the registration documents uploaded by the applicant at the time of filling her online application.

Matter is admitted.

Let the matter appear under the heading "For Orders" on 22.01.2025.

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

SkG/SM.