

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA- 347 of 2023

Prosenjit Bala -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Mr. Probal Sarkar,
Mrs. S. Mitra,
Ld. Advocates.
For the State Respondents : Mr. R.K. Mondal,
Ld. Advocate.

03
18.06.2024

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.

This application has been filed praying for a direction to the respondent authorities to publish a fresh result of the candidates who participated in the selection process for the post of Dental Technician/Dental Mechanics under the Health & Family Welfare Department. The contention of the learned counsels for the applicant is that though the applicant was allowed to appear in the interview and marks were also allotted for it, but marks for experience and educational qualification were not allocated. As per the advertisement published, 75 marks was for academics, 10 marks was for experience and 15 marks was for interview.

Mr. Ray and Mr. Mondal, learned counsels respond to this by referring to the note in page 141. In this copy of the document which appears to show the total marks obtained by the successful candidates and the interview marks obtained by the applicant, it is noted that the respondent authorities have considered their interview marks only on the following reason, which is stated in the note. :

“It is to be noted here neither in the order dated 14.06.2022 nor in the order dated 10.11.2022 passed by the Hon'ble WBAT there is any comment/direction on the Hon'ble WBAT regarding eligibility of the applicant for which they were rejected by the Technical Experts as valid applicant. Hence, in compliance with the order dated 10.11.2022 the name of the above mentioned applicant are furnished below with their interview marks only.”

In the order of this Tribunal in OA-355 of 2022 dated 14.06.2022, the respondent authority was directed to “allow Anindita Sarkar, Dibyendu Khan,

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Kallol Bhowmick and Brajagopal Jana, the applicant to appear for the selection process for the post of Dental Technician/Dental Mechanic, Grade-III to be held on 15.06.2022 or any subsequent date without prejudice to the rights and contentions of the parties and subject to further orders that may be passed.”

Having heard the submissions of the learned counsels and on examination of the records, the Tribunal has observed that the applicant was aggrieved by decision of the Technical Experts of the West Bengal Health Recruitment Board in treating their applications as invalid applications. Such decision to treat these applications as invalid was primarily due to the reason of submission by the applicant of Certificate Course in Dental Mechanics. Such certificate appearing in this application clearly indicates that the applicant had obtained “Dental Mechanics Certificate Course” from Dr. Rafi Ahmed Dental College & Hospital in the year 2010. It is not in dispute that the advertisement had clearly asked for 2 years Diploma in Dental Technician as an essential qualification. (It is also not in dispute that the applicant was certificate holders and not Diploma holders. The applicant’s side has not been able to satisfy the Tribunal that such Certificate Course have the same value to that of Diploma Course).

Learned counsels for the State respondents draw attention to two copies of reasons of rejection. It is observed that this application of this applicant was rejected on the following grounds :

(i) Essential Experience/Government Experience

Detail Reason : Candidate uploaded Pass certificate instead of Experience Certificate. Hence rejected.

(ii) Essential Qualification :

Reason of rejection : All mark sheets were not uploaded.

(iii) Only one mark sheet uploaded. Evaluation not possible. Hence rejected.

From the above, it is clear that the applicant, at the very first stage, were not eligible to participate for being Certificate holders and not Diploma holders. Further, his application was found valid on the reasons given above.

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In the case of this applicant, initially his name featured in the merit list for the post of Dental Technician/Dental Mechanic at serial no. 10 having scored an aggregate of 56.63. However, as submitted by Mr. Mondal, learned counsel, such inclusion of his name was due to human error which was on subsequent detection rectified. This submission is also recorded in the reply of the State respondent. The Secretary and Controller of Examinations in his notice published on 12.04. 2023 also mentions such error had occurred inadvertently which was not intentional. Therefore, like in similar cases rejected by the Board, the final decision was also taken for this applicant rejecting his candidature for being a Certificate not a Diploma holder.

In the opinion of the Tribunal by Certificate holders, the applicant cannot participate in the recruitment process whether the essential qualification was two years of Diploma in respective fields i.e. Dental Mechanics/Dental Hygienist. However, the Tribunal also is not satisfied that by uploading online wrong documents, the applicant can agitate and pray for allowing him to participate. Though the applicant was allowed to participate in the interview in terms of this Tribunal's direction, but his claim for giving awarding him marks under Experience and Academic Qualification has no merit. Therefore, this application being devoid of any merit is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS