

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 40 of 2022

Dr. Tapas Kumar Mandal - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. A.K. Shaw,
and		Mr. M. Ganguly,
Date of order		Advocates.
<u>02</u>	For the State Respondent	: Mr. G.P. Banerjee,
08.02.2022		Advocate.

Let affidavit of service filed be kept with the record.

In the application, Dr. Tapas Kumar Mandal, the applicant, an OBC-B candidate, who had participated in the recruitment process in the selection of direct recruitment to the post of Homeopathic Medical Officers under West Bengal Homeopathy Health Service under the Department of Health and Family Welfare, Government of West Bengal, has prayed for several reliefs, the relevant portion of which is as under :

“(a) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records of the subject exercise pertaining to the failure on the part of the respondents in awarding 80 marks in aggregate in favour of the applicant so that conscionable justice may be administered by quashing the same;

(b) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to forthwith rectify the mistake committed by the respondents in computing the aggregate marks of your applicant and take necessary steps for modification of the panel by inclusion of your applicant in the panel of selected/recommended candidates apropos the post of Homeopathic Medical Officers and issue letter of appointment and joining letter in his favour with effect from the date of appointment of the candidate immediately junior to your applicant ;

(c) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to forthwith consider and dispose off the representation of your applicant and his Learned Advocate dated 13.01.2020 and 20.01.2020 being annexures G and H herein, strictly in accordance with law and upon granting an opportunity of hearing to your applicant and/or his representative within such period of time as this Hon'ble Tribunal may deem fit and proper ;

Form No.

Case No. **OA 40 of 2022**

Vs.

THE STATE OF WEST BENGAL & ORS.

(d) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to forthwith create a supernumerary post of Homeopathic Medical Officer, if necessary and accommodate your applicant in such post;”

It is submitted by Mr. A.K. Shaw, learned advocate for the applicant since the experts during selection process did not consider the matter regarding grant of marks pertaining to experience and research work of the applicant which should have been awarded, appropriate order may be passed as award of proper marks would entitle the applicant to be placed in the category of selected candidates. Submission is though a representation dated 13th January, 2022 was submitted before the Secretary and Controller of Examination, West Bengal Health Recruitment Board, the Respondent No. 4, however, it has not been considered. Thereafter, a letter dated 20th January, 2022 demanding justice on behalf of the applicant was submitted before the said respondent which went unheeded. Aggrieved this application has been filed. Mr. Shaw, submits that the respondents may be directed to reappraise the marks particularly with regard to research work and experience of the applicant after considering the representation of the applicant.

Mr. G.P. Banerjee, learned advocate appearing for the State respondents submits that it is evident from the letter demanding justice dated 20th January, 2022 that the applicant has accepted the fact that with regard to mentioning of facts regarding research and experience, there was omission on behalf of the applicant at the time of filing of the online application. However, if directed the respondent authorities will consider his representation dated 13th January, 2022 in accordance with law. .

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary and Controller of Examinations, West Bengal Health Recruitment

ORDER SHEET

Dr. Tapas Kumar Mandal

Form No.

Vs.

Case No. **OA 40 of 2022**

THE STATE OF WEST BENGAL & ORS.

Board, the respondent no. 4, to dispose of the representation dated 13th January, 2022, being annexure-G to the application, by passing a reasoned order to be communicated to the parties within four weeks from the date of presentation of a copy of this order after giving opportunity of hearing and after verifying the records. It is made clear that we have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no. 4.

Let a plain copies of this order be furnished to the parties upon usual undertaking.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/HS/SS