

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. – O.A. 403 of 2022**

**SK. HAFIZ HASAN – VERSUS- THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. Manujendra Narayan Roy, Mrs. Subarna Das, Advocates
<u>3</u> 28.07.2022	For the Respondents	: Mr. Gautam Pathak Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Since it is evident from the order dated 27<sup>th</sup> July, 2022 that on the request of the learned Registrar, Mr. Gautam Pathak Banerjee, learned advocate had entered appearance on behalf of the State respondents in the matter and as today also he appears, the learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

Heard Mr. Manujendra Narayan Roy, learned advocate for the applicant and Mr. Banerjee.

The matter is admitted. Let reply be filed by 2<sup>nd</sup> September, 2022. Rejoinder, if any, by 9<sup>th</sup> September, 2022. Matter to appear under the heading “Hearing” on 14<sup>th</sup> September, 2022.

So far as prayer for interim order is concerned, referring to the grounds, particularly ground nos. IV, V, VI, and VII, it is submitted on behalf of the applicant since at the time of interview to the post of Senior Ayurvedic Medical Officer, the applicant had submitted the provisional certificate regarding post graduate qualification which was accepted by the authorities and as he is working there for the last three years, interim order, as prayed for, may be

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passed.

Mr. Banerjee submits that as the reasoned order dated 11<sup>th</sup> May, 2022, passed by the Secretary and Controller of the Examinations, West Bengal Health Recruitment Board is in accordance with law, which was passed in terms of the order passed on 22<sup>nd</sup> March, 2021 in O.A. 69 of 2020 : Dr. Rajarshi Chaudhuri & Others vrs. The State of West Bengal & Ors., where the applicant was the private respondent no.9, no interim order be passed.

SCN. So far as the prayer for interim order is concerned, in view of the grounds in the application being ground nos. IV to VII, I am of the view that a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order restraining the Secretary, Health and Family Welfare Department, Government of West Bengal and the Director of Ayurveda, Government of West Bengal, the respondent nos. 1 and 2, not to disturb the appointment of the applicant as Senior Ayurvedic Medical Officer till 28<sup>th</sup> September, 2022 or until further orders whichever is earlier.

(SOUMITRA PAL)  
CHAIRMAN