

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. – OA 415 of 2020

Dr. Krishna Gopal Roy - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. D. Kundu, Mr. S.S. Ray, Advocates.
<u>04</u> 10.03.2021	For the State Respondent	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, affirmed on 16th October, 2020, Dr. Krishna Gopal Roy, the applicant, Ayurvedic Doctor, has challenged the advertisement dated 9th October, 2018 for direct recruitment of 98 Senior Ayurvedic Medical Officers in West Bengal Ayurvedic Health Service under the Directorate of Ayurveda of the Department of Health and Family Welfare. Since no copy of the admit card of the applicant has been annexed to the application, a query has been made whether the applicant had participated in the selection process to which the answer was in the affirmative. However, it appears from paragraph 6.5 that the applicant “wishes to apply for the said post” . On a further query, Mr. D. Kundu, learned advocate for the applicant submits that leave may be granted to withdraw the application and to move with better particulars which is opposed by Mr. G.P. Banerjee, learned advocate for the State respondents, as he has been instructed by the respondents that all the candidates whose names appear in the list of selected candidates, being annexure D to the application, have been issued with appointment letters. Moreover, it is submitted that in the event leave is granted to withdraw the application and to move afresh, it would hit by the

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limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

Heard learned advocates for the parties. Though it has been submitted on behalf of the applicant that he had applied for the post, however as it is evident from paragraph 6.5 of the application that he has not and assuming he has applied for the post and participated in the selection process as no copy of the admit card has been annexed, no order can be passed on the application. Moreover, since it is submitted on behalf of the State respondents that appointment letters have been issued to the successful candidates, appearing at pages 29 to 34 of the application, the action of the respondents cannot be interfered with as the application challenging the advertisement has been filed after two years. Therefore, the application is dismissed.

(SOUMITRA PAL)
CHAIRMAN

Rajib

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