

ORDER SHEET

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- 420 of 2023

Geetashree Pahari & Another -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mrs. S. Mitra, Ld. Advocate.
	For the State Respondents	: Mr. M.N. Roy, Ld. Advocate.
<u>05</u> 19.06.2024		

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.

Submission of Mrs. Mitra, learned counsel appearing on behalf of the applicants is that though the names of the applicants appear in the list of successful candidates selected for the post of Physiotherapist, Grade-III but till date she has not been offered any appointment.

It appears from this panel that the last successful candidates under UR category had scored 77.41 whereas this applicant, also of UR category, had scored only 76.41. It is therefore, assumed by this Tribunal that she was not empanelled in the Final Merit List due to her lower score, lower than the last successful candidate in the UR category.

Attention is drawn to copy of document published by the Recruitment Board titled, "Overall performance of all eligible candidates including those who are selected in the panel for Physiotherapist, Grade-III". In this list the name of the applicant, Geetashree Pahari appears at serial no. 18 having scored the aggregate of 76.41 as a UR candidate and also the name of the other applicant, Surojit Shil, of OBC-B category whose name appears at serial no. 86, having an aggregate score of 72.66. The Recruitment Board had also published on 20.12.2019 a more refined list inclusive of only those candidates who were recommended for the post of Physiotherapist, Grade-III. In this list, however, the names of the two applicants do not feature. From this list, it can also be discerned that the last successful candidate under the UR category to which the applicant, Geetashree Pahari belongs, had scored an aggregate of 77.41, higher to the applicant. Similarly, this list also shows the name of one Shuvadip Kolay belonging to the OBC-B category and having scored 73.66 more than the other applicant, Surojit Shil whose aggregate score is 72.66.

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Mrs. Mitra without disputing the ranking of her applicants, however, prays for a direction to the West Bengal Health Recruitment Board to consider the applicants' representations dated 17.03.2023 addressed to the Secretary, West Bengal Health Recruitment Board. In the representations, the applicants have informed that the two recommended candidates, Arpan Nandi (UR) and Kousik Dey (OBC-B) have not accepted the offer of appointments and therefore, these two posts are lying vacant. Prayer before the Secretary of the Board is that these two applicants be accommodated in the post of Physiotherapist, Grade-III and their names be recommended to the West Bengal Health and Family Welfare Department. In response to the above two submissions of Mrs. Mitra, Mr. M.N. Roy, learned counsel for the State respondents submits that if such a direction is given to the Recruitment Board, the same will be considered as per norms and provided two posts are lying vacant and also if the panel still survives.

In view of the above submissions, this application is disposed of by directing the respondent no. 4, Secretary, Controller of Examinations, West Bengal Health Recruitment Board to consider as per Rules and norms of the Board if the prayer and their representations can be considered. Such consideration be completed within three (03) months from the date of communication of this order and disposed of accordingly.

The application is thus, **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS