

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. OA - 439 of 2024

Dr. Arkaprovo |Roy - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

For the Applicant	:	Mr. M. N. Roy, Mr. S. Ghosh, Learned Advocates.
For the State Respondents	:	Mrs. Sonali Mitra, Learned Advocate.

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03.10.2024

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.

The applicant has prayed for a direction to the respondent authorities to issue him 'No Objection Certificate' for his participation in the selection process to the post of Additional Professor in the Department of General Surgery at All India Institute of Medical Science (AIIMS), Kalyani. It is submitted by the learned counsels on behalf of the applicant that he has been empanelled as 'provisionally eligible' candidate by a Notification dated 25.09.2024 issued by AIIMS, Kalyani. Submission is that since the applicant has now been qualified to appear for an interview, a suitable direction may be given to the respondent authorities to issue a No Objection Certificate which he had applied on 20.08.2024, before the Director of Medical Education. A copy of such prayer for N.O.C. is included as part in this application. It is apparent that the office of Director of Medical Education had received the same on 21.08.2024.

From the submissions of Mrs. Mitra, learned counsel it is understood that the Principal Secretary of the Department is yet to take a final decision in this matter. The Tribunal has observed that para 21.6 at point no. (ii) of the AIIMS advertisement makes it clear to the applicant that such an N.O.C. from the employer will be required to be submitted

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at the time of interview. Mr. Roy strongly believes that the applicant now having been qualified will be asked to appear for such an interview along with N.O.C. any day within this month.

Having heard the submissions of the learned counsels and in the light of a direction of the Hon'ble High Court in WPST 137 of 2023, let the Principal Secretary take the final decision for N.O.C. for the applicant's participation in the selection process for the post of Additional Professor, General Surgery, AIIMS, Kalyani within a reasonable period of time preferably, within two weeks from the date of communication of this order.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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