

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 452 of 2024

Dr. Wasim Akhtar. -- **VERSUS** – The State of West Bengal & Others

Serial No.
and
Date of
order

For the Applicant

: Mrs. Sonali Mitra,
Mrs. Priya Sasmal,
Learned Advocates.

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For the State Respondents

: Mr. Ranjit Kumar Mondal,
Learned Advocate.

07.03.2025

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.

In terms of a direction of this Tribunal in OA-624 of 2023, the Chairman of West Bengal Health Recruitment Board (WBHRB) passed the reasoned order dated 20.08.2024. This reasoned order is being assailed by the applicant before this Tribunal.

In the earlier application as well in this one, the contention of the applicant is he was not awarded ten marks for his provisional Post Graduate degree certificate in M. S. Ayurveda. The provisional Post Graduate degree certificate issued by the Maharashtra University of Health Sciences, Nashik dated 06.03.2019 shows that the applicant had passed the “Shalakyra Netra Roga in Winter – 2018”. The applicant has also argued that the two private respondents, Sk. Hafiz Hasan and Mrityunjay Kumar were awarded marks for presenting similar provisional Post Graduate degree certificates from their respective Universities. The names of these two private respondents were recommended by the WBHRB for the post of “Senior Ayurvedic Medical Officer” under the Department of Health and Family Welfare. Sk. Hafiz Hasan was given the rank of 89 and Mrityunjay Kumar was given the rank in a combined merit list at 44. A copy of the reply given by the State Public Information Officer & Deputy Secretary, WBHRB in Memo. 1314 dated 26.09.2019 shows Wasim Akhtar, the applicant has scored and aggregate of 55.94. Whereas the last candidate under the category OBC(A) in which the applicant also belongs had scored 60.68. Sk. Hafiz Hasan, the private respondent belonging to the same category had scored 65.84.

Dissatisfied with non-consideration of his provisional Post Graduate degree

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certificate, the applicant had furnished representations before the Board and also raised a query through RTI Act. The Board in one of its replies in Memo. 57 dated 08.01.2020 informs that outright to informing you that *“as per the assessment made by the Technical Experts, evaluation was done by them. Subsequently, compilation was done by the board”*.

From the submissions of the learned counsels and the records in this application, the Tribunal has observed the following :-

1. It is not in dispute that the applicant had appeared for his final year examination in winter, 2018 whereas the two private respondents had appeared in the month of September, 2018.
2. The Universities of the private respondents had declared the final result of the Post Graduate degree on 08.12.2018, whereas the University of the applicant declared his result on 04.02.2019.

Clearly, the results of the private respondents were declared earlier than the applicant. Similarly, the provisional Post Graduate degree certificate was issued to the private respondent Sk. Hafiz Hasan on 12.12.2018 ; Mrityunjay Kumar on 14.12.2018. The provisional Post Graduate degree certificate issued by the University to this applicant was on 06.03.2019. Again, it is well-established that the provisional Post Graduate degree certificates issued to the private respondents were earlier than the applicant.

In view of the above observations, the Tribunal has come to this conclusion that although the applicant had obtained his Post Graduate degree but it did not mean that the criteria as laid down in the advertisement published by the Board for selection of “Senior Ayurvedic Medical Officer”. Even the contention relating to date and submission of such provisional Post Graduate degree certificate is kept aside, the fact remains that in the selection process the two private respondents had scored higher marks than the applicant, in particular to Sk. Hafiz Hasan who also belong to OBC(A) category as the applicant.

The following comparative chart showing the break-up of marks obtained by the applicant and Sk. Hafiz Hasan gives a clear picture:-

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Name	Caste	Marks obtained (10 + 2 Exam)	Marks obtained in BAMS	Marks obtained for Post Graduate Degree in concerned subject	Professional Experience (Per year 1 marks each countable upto 5 yrs.)	Marks obtained in interview	Total marks obtained
WASIM AKHTAR	BC-A	9.3	31.64	0	5	10	55.94
SK. HAFIZ HASAN	BC-A	10.84	34.5	10	3.5	7	65.84

From the above table, it is evident that the private respondent, Sk. Hafiz Hasan belonging to OBC(A) category had scored the aggregate of 65.84 compared to the applicant whose aggregate is only 55.94. Therefore, the Tribunal is not satisfied with the contention of the applicant that no marks was awarded to him. Therefore, the prayer in this application being not a valid prayer is disposed of without any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.