

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 471 of 2023

Ram Kumar Dosad -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. P.S. Ghosh, Ld. Advocate.

For the State Respondents : Mr. S. Ghosh, Ld. Advocate.

05
05.12.2024

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 the letter of appointment under the die-in-harness category. From the submissions of the learned counsels and the records, it is understood that the applicant was recommended for the post of Group-D under the Department of Health and Family Welfare. The Secretary of the Department in the reasoned order passed in terms of a direction of this Tribunal in OA 929 of 2017 had accepted his prayer for such an appointment subject to satisfactory fulfilment of other rules and formalities. Post consideration of such matter, the applicant was asked to undergo a Medical Fitness Test and submit his Police Verification Roll (in short, "PVR"). The applicant duly completed his Medical Examination and submitted his filled PVR. However, the respondent authority did not offer him such an appointment.

Mr. S. Ghosh, relying on a copy of memo. no. 5363 dated 08.06.2023 submits that the applicant had in his PVR made a false statement of having passed the Madhyamik Examination. From the same Report, it was revealed that the applicant had studied only upto Class IX from Khargram High School in the year 1993. From the copy of the PVR in this application, the applicant had recorded "passed Madhyamik Pariksha Examination in the year 1995". In the same PVR, the applicant had recorded Podda B.T. High School, Khargram from which he had passed the Madhyamik Examination in the year 1995.

From the Madhyamik Pariksha Certificate issued by WBBSE having no. 3695-0061, it is clear that the applicant could not clear all the subjects and was compartmentalised. This is supported by the Mark Sheet issued by the WBBSE having no. 0160-144 in which the applicant having scored lesser marks in Geography was given compartmental in the year 1994. Mr. P.S. Ghosh admits that initially the applicant was compartmentalised in this subject but in the subsequent year 1995 he had cleared this subject and a certificate by the Board

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was also issued. Submission of Mr. P.S. Ghosh for making such a statement is supported by the Mark Sheet issued by the WBBSE having Index No. 0160-144 in which the applicant has been shown as '**Passed**' under the subject, Geography. It is clear from the records presented that the applicant had in his second attempt cleared Geography as his compartmental subject in the year 1995. Therefore, the Tribunal does not agree with the Report presented by Mr. S. Ghosh that the applicant had falsified his educational qualification filled up by the applicant in the PVR. He had correctly stated of his having passed the Madhyamik Examination in the year 1995. It is evident that he had cleared his Madhyamik Pariksha in the year 1995 and such fact is supported by the marks issued by the WBBSE.

Mr. S. Ghosh having heard the opinion of this Tribunal suggests that in view of what the Tribunal has found, the applicant may furnish a representation stating that he has cleared his Madhyamik Pariksha in the year 1995 and request for reconsideration of the decision taken by the respondent authorities.

The Tribunal agrees.

Liberty is given to the applicant's side to file a representation before the respondent no. 2, the Director of Health Services enclosing true copies of the relevant documents to prove that he had cleared his Madhyamik Pariksha in the year 1995. The original certificates may be presented, if so directed by the respondent authority. The respondent no. 2, the Director of Health Services is directed to examine the certificate and take suitable follow up action within three months from the date of furnishing such representation along with the documents.

Accordingly, the application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS