

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 480 OF 2021

ABUL HASAN MONDAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Md. Raziauddin,
and Advocate
Date of For the State Respondents : Mr. Sankha Ghosh,
order Advocate

12
09.07.2024

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 primary prayer in this application is for a direction to the respondent authorities to recommend the name of the applicant to the post of Librarian after allotting marks to the applicant for his Post Graduate Degree in BLIS. In the final merit list of the selection process, the applicant's name did not feature. Submission of Mr. Raziauddin, learned counsel for the applicant is that though the applicant completed his Masters in Library and Information Science, but it was not accepted. It appears that the applicant completed his examination in the final semester of the course and the statement of marks was published on 24.07.2018. A provisional certificate was issued by the North East Frontier Technical University to the applicant of having passed the Masters of Library & Information Science. This certificate is dated 12.11.2019.

Mr. Ghosh, learned counsel has submitted that the date appearing on the professional certificate being 12.11.2019 was after the deadline of submission of the documents. In the advertisement published by the Board for this post, the last date for online submission was shown between 14.09.2019 to 21.09.2019. Submission of Mr. Ghosh is that since the certificate was dated post the deadline, therefore, such certificate could not be accepted as a valid certificate and therefore, no marks was allotted against this certificate.

Mr. Raziauddin submitted that the respondent authority ignored the fact that

ORDER SHEET

Form No.

ABUL HASAN MONDAL

Vs.

Case No. - OA 480 OF 2021

THE STATE OF WEST BENGAL & ORS.

the examination for the Masters of Library & Information Science degree was completed before the deadline and the marks of the final examination published on 24.07.2018.

Having heard the submissions of the learned counsels, the Tribunal finds that the statement made by Mr. Raziauddin is correct to the extent that the applicant had appeared for the examination and mark sheet for the final submission was published before the deadline. However, this provisional certificate dated 12.11.2019 was after the last date notified by the Board for submission of the documents. It appears that though the applicant possessed the requisite documents of a Masters Degree, but such mark sheets were not presented by the applicant at the time of document verification. It appears that only the provisional certificate which is dated 12.11.2019 was presented by the applicant. Since such a certificate was out-dated, the respondent authorities did not accept it as a valid certificate and accordingly did not allot any marks for this. Attention of this Tribunal has been drawn to the copy of the admit card in which it is clear that the applicant's mark-sheets dated 24.07.2018 was recorded. However, Mr. Ghosh has submitted that though it is agreed that the applicant had uploaded the copies of the mark sheets dated 24.08.2018 but at the time of interview and documents verification, instead of showing copies of the mark sheets, he had only presented the provisional certificate which was dated 12.11.2019.

From the documents presented with the application it has now become clear to the Tribunal that though the applicant possessed the requisite qualification – the mark sheets dated 24.07.2018, a valid qualification dated prior to the deadline, these mark sheets were not presented for examination at the time of document verification. It was the responsibility of the applicant as a candidate to make sure that all the relevant documents were uploaded properly and presented before the respondent authorities at the time of document verification. Though the applicant possess the required qualification, but the Tribunal has doubts whether the relevant documents were presented during the document verification. Even presuming that

ORDER SHEET

Form No.

ABUL HASAN MONDAL

Vs.

Case No. - OA 480 OF 2021

THE STATE OF WEST BENGAL & ORS.

the applicant had presented the valid documents at the time of document verification and awarded 10 marks for this, he would have received an aggregate of only 70.72 marks whereas, the last successful candidate in the category the applicant belongs (OBC 'A') had scored 77.62. Thus, the Tribunal has come to the finding that the applicant himself was responsible in not presenting the relevant documents, in this case, mark sheets, at the time of document verification. The respondent authorities cannot be blamed for not awarding additional 10 marks to him for non-submission of the relevant documents.

In view of the above observation and finding this application devoid of any merit, it is disposed of without passing any orders.

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

SCN.