

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 51 of 2018.

SHRI PRABIR DOLUI –VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant : Mrs. S. Agarwal,
Advocate.

18
6.12.2021.

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

In this application Prabir Dolui, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“....a) A direction do issue upon the concerned respondent authorities to forthwith set aside/cancel/rescind/withdraw the impugned Letter dated 21.07.2017 of the concerned respondent authority , being Annexure ‘C’ herein and to declare the impugned Certificate dated 20.06.2011 of the 2 years’ Diploma Course comprised of One Year rotational training with a theoretical course of One year as valid bearing eligibility for distributing appropriate marks in favour of the applicant for the post of ‘Medical Technologist (Laboratory) Grade III’ and to recommend the name of the applicant for appointment to the said post accordingly, if found otherwise eligible and to command them to act strictly in accordance with law...:” .

It appears that the applicant pursuant to the advertisement being annexure “A” to the application had applied for the post of Medical Technologist (Lab) Grade-III. The grievance of the applicant is though the applicant had obtained two year diploma course and had undergone training, however he has not been given marks in training. Mrs. S. Agarwal, learned advocate appearing on behalf of the applicant submits since in the advertisement it was mentioned training was a desirable qualification and fifteen marks were allotted for the same, had

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the applicant been awarded marks for training which he had undergone, he would have been selected. In this regard, our attention has been drawn to a certificate dated 20th June, 2011 issued by the Director, School of Tropical Medicine, Kolkata, being annexure "D" to the application, which according to her shows that he had undergone the training. During hearing she has also furnished a certificate dated 6th June, 2018 issued by the Indian Association of Blood Cancer & Allied Diseases by which she tried to demonstrate that the applicant has undergone training.

Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents relying on the reply, particularly paragraph 5 thereof, submits since it has not been demonstrated by the applicant that he had undergone training after two year diploma course, no order may be passed. Submission is the certificate dated 20th June, 2011 shows that training was a part of two year course and it was not done after acquiring the diploma.

Heard learned advocates for the parties.

Evidently two year diploma course in Laboratory Technology was a requisite qualification for appointment to the post of Medical Technologist (Lab) Grade-III and the 'Desirable' qualification was "One year training after acquiring diploma in Radiology (Diagnostics) DRD (Tech)....." (Emphasis supplied). The relevant portion of the certificate issued by the Director, School of Tropical Medicine, Kolkata, being annexure "D" to the application is as under :-

TO WHOM IT MAY CONCERN

This is to certify that Sri Prabir Dolui, a student of D.L.T. (Diploma in Laboratory Techniques) Course, Session : 2009-11 under the Faculty of Tropical Medicine & Hygiene, West Bengal. The duration

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of the course is 2 (two) years, which commenced on and from 16th April, 2009. He has completed his study of full two years course including one year rotation training in different departments.”.

It appears from the certificate issued that training was a part of the two year course and he did not get training “after” two year course. Therefore, the authorities had rightly not awarded marks for training to the applicant.

So far as the certificate dated 6th June, 2018 furnished today, same cannot be taken note of and relied on as the selection process was completed before 2018. Therefore, no order is passed on the application. The application is dismissed.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Sk.