

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. –OA 543 of 2020.

DR. SOUMYENDU KHATUA – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

14  
29.3.2023

For the Applicant : Mr. K. Bera,  
Advocate.

For the State respondents : Mr. S.N. Ray,  
Advocate.

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The fact of the case in short is that the applicant participated in examination conducted by the Health Recruitment Board for the post of Homoeopathy Medical Officer. Unfortunately, the applicant's name did not feature in the final selection list. Submission of Mr. K. Bera, learned counsel for the applicant is that the advertisement No. R/HMO/78(1)/1/2019 was modified after three months of publication by a corrigendum notice after a review by the Board. In the modified notice, instead of fifteen marks only five marks were fixed for other experiences. The modified notice also excluded M.O (Ayush) under RBSK from the purview of their experiences. The applicant is an M.O (Ayush) under RBSK and thus deprived five marks which otherwise would have helped him in being successful in the recruitment.

Thus, the prayer is for a direction to the respondent not to discriminate the applicant for having experience as M.O (Ayush) under RBSK and consider his experience by allowing him five marks as per the original Advertisement.

Submission of Mr. S.N. Ray, learned counsel for the State respondents is

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that Health Recruitment Board and the State respondents are very much authorised to issue subsequent amendments to the advertisement published due to various reasons. As per the amended advertisement, the experience as an M.O (Ayush) under RBSK was not considered as relevant for this post. Therefore, it was excluded from other experiences. However, Mr. Ray was not in a position to enlighten the reasons upon which the Board relied in deciding to remove this experience.

The Tribunal feels that unless the reason is known to the Tribunal why experience of an M.O (Ayush) under RBSK was removed, the merit of the application cannot be understood and the case cannot be adjudicated further.

In view of the above, the Secretary and Controller of Examination, West Bengal Health Recruitment Board, - the respondent no. 5 is directed to furnish before the Tribunal the copy of the resolution passed by the Board on 20<sup>th</sup> February, 2020 pertaining to the decision excluding the experience of M.O (Ayush) under RBSK by the next date.

Let the matter be listed under the heading "For Orders" on 13<sup>th</sup> June, 2023.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Skg.