

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 564 OF 2023**

DR. MD HAFIZUR RAHAMAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|---------------------------------|---------------------------|---|------------------------------------------------------------------------|
| Serial No. and Date of order | For the Applicant | : | Mr.Goutam Pathak Banerjee Ms.Aishwarya Pathak Banerjee Advocates |
| <u>02</u> 25.08.2023 | For the State respondents | : | Mr.Gourav Haldar 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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

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

Affidavit of service filed today be kept on record.

After completion of the selection process for the post of Homoeopathic Medical Officer, the West Bengal Health Recruitment Board published the list of 243 successful candidates by Memo. No. 31099 dated 08.09.2022. Later on 08.09.2022, the Department of Health and Family Welfare informed the Board that out of 243 successful candidates, 8 candidates belonging to different categories have not joined. One Dr. Laijun Nahar belonging to OBC-A Category also did not join, thus, a post belonging to OBC-A Category has now become vacant. The contention of this applicant is that he also belongs to OBC-A Category and having scored a total of 80.05 in the recruitment process, is now entitled to be recommended for this vacant post under OBC-A Category.

Mr.G.P.Banerjee, learned counsel also draws my attention to pages 23 and 25 of this application. Page 23 is the reply given by the S.P.I.O. of the Board in which the total break up of marks of the applicant has been informed, which appears to be 75.5 marks. Since there was a calculation error, the

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applicant furnished a representation before the Chairman of the Board on 02.08.2023 informing that 75.5 should be 80.05, if 6 for Interview marks, 5 for Experience marks and 69.5 for Academic score are to be totalled. Submission of Mr.Banerjee is that a direction may be given to the respondent authorities to correct the total marks as 80.05 obtained by the applicant and also a direction to recommend the name of the applicant for the post of Homoeopathic Medical Officer against a vacancy in OBC-A Category so created by non-joining by Dr. Laijun Nahar.

In responding on behalf of the Board, Mr.Haldar, learned counsel submits that if such a direction is given, the same will be complied as per rule and admissibility of the applicant.

In view of the above submissions, the application is disposed of by directing the respondent No. 4, the Secretary and Controller of Examinations, West Bengal Health Recruitment Board to consider the representation of the applicant and take suitable action as per norms in correcting the error in total marks and recommending the name of the candidate for the vacant post in OBC-A Category, if other eligible criterias have been fulfilled by the applicant, within a period of four weeks from the date of communication of this order.

Accordingly, the application is disposed of.

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

BLR