

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. –OA 571 of 2022

Ankan Kundu & Others - **VERSUS** - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants

: Mr. U.N. Betal,
Mr. R. Chowdhury,
Mr. S. Santra,
Learned Advocates.

03
09.09.2022

For the State Respondents

: Mr. G.P. Banerjee,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

A copy of supplementary affidavit has been filed by the applicant and served copy to the learned counsel for the state respondents. Let it be same be kept on record.

The instant application has been filed being aggrieved, with the irregularities made in the selection process. As per the applicant, one advertisement for recruitment to the post of General Duty Medical Officer was published on 09.02.2021 for the anticipated vacancies of 1207. In the said Notification, with regard to qualification of the candidates, it was stipulated that one year's practical training as House Staff in any Government Hospital or recognized institution, is desirable along with MBBS Degree. Subsequently, under the heading of Distribution pattern of marks for the post of General Duty Medical Officer, the following was stipulated as under :

- i) *For MBBS degree included in the First Schedule OR Second Schedule OR Part II of the Third Schedule of the Indian Medical Council Act, 1956 : (however 0.5 marks will be deducted for each chance lost) : 40 marks (max.);*
- ii) *Deduction of marks – 0.5 mark for each chance lost : 5 marks (max.)*

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iii) Additional marks (above 50%) [4 marks for each slab of 5, i.e. 51-

55=4 marks up to 75 : 20 marks (max.);

iv) Working Exp. (Including House-staff-ship): 25 marks (max.);

v) Interview : 15 marks (max.)

However, as per the applicant, though the process of allocation of marks was clearly stipulated. However, with regard to the working experience, no such procedure was stipulated.

Subsequently vide another Memo dated 03.03.2022, the number of anticipating vacancies was raised from 1207 to 1852. Thereafter, the respondent authorities has published 1st Final panel list dated 20.05.2022 on the basis of the documents filed by all the candidates indicating their total marks. However, with utter surprise to the applicant, vide another Memo dated 20.07.2022 was published cancelling the previous panel dated 20.05.2022. It is submitted by the learned counsel for the applicant that from comparing the both selected panels, it would be found that one Aditi Shau, who was placed at serial no. 471 and got 66.50% marks, has been put against the serial no. 1 with 86.50% marks. In this way, another more than 12 persons were also put in the higher position of the panel with higher marks without any reason though the 1st panel was published on the basis of scrutinising the documents submitted by all the candidates. Even subsequently by Memo dated 23.08.2022 (Annexure-‘J’), the authority fix counselling schedule for 1102 candidates only. Even they are entries of some new candidates those names were not in earlier panel. Therefore, the respondents are not following the proper procedure for selection of candidates as per their own advertisement with regard to the selection of candidates as well as number of vacancies. Thus the applicant has prayed for interim protection.

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The counsel for the applicants has further submitted that though the respondents themselves have enhanced the anticipating vacancies from 1207 to 1852 but they have not shown any procedure for reservation of SC/ST etc. quota. Even they have called lesser number of candidates for counselling with regard their declared vacancies.

The counsel for the respondents has prayed for one accommodation to file reply in both the supplementary affidavit and the Original Application.

Mr. G.P. Banerjee, learned counsel for the state respondents has further submits that as the counselling has already been over by 01.09.2022, therefore the prayer made by the applicant has become infructuous.

In view of the above, the respondents are directed to file reply within four weeks. Rejoinder, if any, within two weeks thereafter.

However, any selection made out of these advertisement processes shall be abide by the outcome of the OA.

Mr. G.P. Banerjee, learned counsel for the respondents submitted that he was directed appear by the learned Registrar on 07.09.2022, therefore Learned LR be directed to take appropriate steps in this regard. Prayer is allowed.

Let the matter be listed on 18.11.2022 before the Registrar Bench under the heading "Reply, rejoinder and objection".

HS

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)