ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

Present- The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 594 of 2024

Sri Tanmoy Bhattacharya -- VERSUS - The State of West Bengal & Ors.

Serial No. and Date of order

For the Applicant : Mr. S. K. Mondal

Ld. Advocate.

 $\frac{03}{21.03.2025}$

For the State Respondents : Mr. G. P. Banerjee,

Mr. S. Ghosh, Ld. Advocates.

For the Pvt. Respondent No. 4 : None.

For the Pvt. Respondent No. 5 : Mrs. S. Mitra,

Ld. 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.

The applicant has prayed for setting aside the Memo No. 6113 dated 13.11.2024 issued by the Director of Health Services. The prayer also includes for a direction to the Respondent authorities to enhance the total marks of the applicant in the recruitment examination to the post of Physiotherapist, Grade – III under the Health and Family Welfare Department.

Appearing at serial 35, Tanmoy Bhattacharya, the applicant has been shown as having secured aggregate 74.83. The same list also shows the names of Prasenjit Koley who secured 76.83 and Paritosh Pahari secured 76.41, the private respondents in this application, whose selection has been challenged by the applicant.

The applicant having scored lesser marks than the private respondents is not in a legal position to agitate against such result before this Tribunal. It is also observed that the respondent authority had constituted an Expert Committee to examine and reassess the prayer of the applicant for awarding him additional two marks for the experience. The experience certificate issued by the BMOH, Dhupguri Rural Hospital, Jalpaiguri certifies that the applicant had gained relevant experience from 10.02.2016 to 31.07.2018. The second certificate dated 20.01.2020 is rather an appointment letter issued by the

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Superintendent, District Hospital, Jalpaiguri. Strictly speaking, this cannot be accepted as an experience certificate.

Having heard the submission of the learned counsels on the days of hearing this matter and also after proper examination of the records in this application, the Tribunal has come to the following conclusions:

- i) That the applicant is assailing the merit list published by the West Bengal Health Recruitment Board on 13.06.2022 after 2 years of its publication.
- ii) Although the applicant is disputing the names in the panel published on 13.06.2022 but such panel has already lapsed. Therefore, the applicant cannot agitate against the panel which is no more valid.

The Tribunal agrees with the decision of the respondent authority whose decision was based on the opinion given by the expert committee that the applicant is entitled only to be awarded four marks against experience. The Tribunal does not find any irregularity on part of the authority in taking such decision.

Therefore, the prayer in this application, devoid of any merit, is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

Sri Tanmoy Bhattacharya

HS