

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. – OA 62 of 2021.

ARUN GIRI AND OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. U.N. Betal, Advocate.
<u>2</u> 03.02.2021	For the State Respondent	: Mr. G.P. Banerjee, Mr. S. Ghosh, Advocates.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

On the prayer of the learned advocates for the parties, the matter is taken up by the single Bench.

In this application the applicants, who are having post graduate degrees, M.Sc, have prayed for a direction upon the respondents to allow them to participate in the selection process for the post of Medical Technologists (Laboratory) Grade III. Mr. U.N. Betal, learned advocate for the applicants submits that since the last date for accepting the application for the said post is 6th February, 2021, appropriate order may be passed directing the respondents to accept the applications of the applicants, having requisite qualifications, to submit in hard copy format.

Submission is that the issue is settled by the judgement delivered on 9th December, 2016 in OA 352 of 2014 (Diptendu Chatterjee & Ors – versus- State of West Bengal & Others) and on 18th December, 2019 in OA 237 of 2019 (Puja Gupta & Others –Vs- The State of W.B. & Others). It is also submitted that direction may be issued upon the respondents to incorporate the qualification of M.Sc degree in the

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recruitment rule regarding Medical Technologists cadre of West Bengal Subordinate Health Services.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that in view of the judgements delivered in Diptendu Chatterjee (supra) and Puja Gupta & Others(supra), as the issue is settled, the applicants having the requisite qualification with M.Sc degrees in the concerned field, are eligible for participation in the selection process of Medical Technologists (Laboratory) Grade III and he is not opposed to the submission of the application in hard copy format. Submission is a direction may be issued upon the respondent authorities to scrutinise the application filed along with their qualifications. However, he is opposed to the prayer for incorporating of the qualification of M.Sc degree in the Recruitment Rule of Medical Technologists cadre as it is pertains to the policy decision of the State and as the requisite rules have been framed in accordance with law and as no challenge has been made to the said rules.

Heard learned advocates for the parties.

Since in view of the judgements passed in Diptendu Chatterjee (supra) and Puja Gupta & Others(supra), there is no dispute that the twenty-two applicants are having the requisite Master degree qualification for filing their applications for the post of Medical Technologists (Laboratory) Grade III, as prayed for, the West Bengal Health Recruitment Board and the Secretary and Controller of Examination, West Bengal Health Recruitment Board – respondent Nos. 4 and 5 respectively shall accept the applications of the applicants for participating for the post of Medical Technologists (Laboratory) Grade III in the hard copy format, if filed within 6th February, 2021. If such applications are filed, the respondent Nos. 4 and 5 shall scrutinise the same with regard to the qualifications and if found to be in order, the applicants will be allowed to participate in the selection process on compliance of requisite formalities, which shall be indicated by the respondent Nos. 4 and 5.

So far as prayer “D” is concerned, since it pertains to the domain of the

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policy decision of the State and the Executive and no challenge has been made to the Rules, no order can be passed on prayer "D".

Since nothing remains to be decided, the application is disposed of.

(SOUMITRA PAL)
CHAIRMAN

Skg.