

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 643 of 2022

Dr. Prasanta Kumar Ghorai - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

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

06
22.02.2024

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. 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.

In terms of this Tribunal's direction, the respondents the Secretary & Controller of Examination had passed a reasoned order dated 14.09.2022. In the earlier application the applicant had agitated that though he possessed and has submitted suitable certificates for "Other Experiences" as stipulated in the advertisement for the post of Homoeopathic Medical Officer but the respondent authorities failed to give any marks to him.

The advertisement had stipulated that a total of 5 marks will be given if the candidates possess other experience which include Clinical, Teaching, Research and experience of homoeopathy from any Govt. institute or Govt. Affiliated Organisations. Submission of Mr. Bera is that such certificates were submitted but were not considered. Copies of such certificates are at pages 47-51.

In response, Mr. Banerjee submits that as recorded in the reasoned order, the technical expert had re-examined this certificates and decided that the marks already allotted to the candidate were correct, meaning that the applicant's certificates were not valid and, therefore,

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not considered for awarding additional 5 marks.

Further, Mr. Banerjee also submits that such certificates as being shown to the Tribunal are not the required certificates from either any govt. institutes or from any govt. affiliated institute. Therefore, five additional marks against other experience was not awarded to the candidate.

Mr. Bera, however, emphasises that this certificate appear at page 47 from the institute of Metropolitan Homoeopathic Medical College & Hospital, a govt. recognised institute and, therefore, the respondent authority should have considered this as a valid certificate.

Mr. Banerjee, however, denies that this particular institute may be a govt. recognised institute but it is not a govt. affiliated institute as stipulated in the advertisement.

Having heard the submissions of the learned counsels and examining the documents of this application, it is the finding of this Tribunal that the grievances of the applicant was already heard in this Tribunal in OA-943 of 2021 and in terms of such directions, the respondent authority being the Secretary & Controller of Examination had rechecked the matter by a technical expert. It is clear that the technical expert after having re-examined the certificates came to the conclusion that the prayer for awarding five marks as other experience does not have a merit. Moreover, the Tribunal is also not convinced that the certificates from Metropolitan Homoeopathic Medical College & Hospital is neither a govt. institute nor affiliated to the govt. Therefore, the applicant has not been successful in submitting valid certificates as required by the advertisement. This Tribunal does not find any merit in

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the application and it is disposed of without passing any orders.

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

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