ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : HON'BLE JUSTICE SOUMITRA PAL, **HON'BLE CHAIRMAN &**

HON'BLE SAYEED AHMED BABA,

ADMINISTRATIVE MEMBER.

Case No. - OA 706 of 2021.

SAIKAT KUMAR CHATTOPADHYY- VERSUS- THE STATE OF WEST BENGAL & ORS. Serial No. and For the Applicants : Mrs. S. Mitra, Date of order Advocate.

For the State respondents

: Mr. S. Ghosh, Advocate.

22.3.2022

The application has appeared in the supplementary cause list under the heading "Admission Hearing". Let a copy of the supplementary cause list be kept on record.

In this application Saikat Kumar Chattopadhyay, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

commanding/directing the concerned *b*) *"…An order*" respondent authority consider the candidature the to of applicant/petitioner for the post of Medical Technologist (Lab), Gr.-III for appointment pursuant to the recruitment advertisement no. R-MT(Various)/02/2021 dated January 21,2021 by the West Bengal Health *Recruitment Board and thereby grant appointment ;*

c) An order commanding/directing the concerned respondent authority to amend and/or suitably modify the age requirement condition by substituting the upper age limit of 39 years by upper age limit of 40 vears as on January 01, 2021 in the recruitment advertisement no. R-MT(Various)/02/2021 dated January 21,2021 and thereby consider the candidature of the applicant/petitioner for the post of Medical Technologist (Lab), Gr-III forthwith;

d) An order commanding/directing the concerned respondent authorities herein to follow the uniform pattern of upper age limit as uniformly followed by other Government departments and not to deviate from the same by discriminating against the applicant/petitioner for

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appointment to the post of Medical Technologist (Lab), Gr.-III forthwith;

e) An order commanding/directing the concerned respondent authorities herein to compassionately consider the prayer of the applicant/petitioner and condone the mere 27 days (as on date of birth) and/or 1 day (considering full month of birth) above the alleged prescribed age limit for the post of Medical Technologist (Lab), Gr-III and thereby consider the candidature of the applicant/petitioner and grant appointment in favour of the applicant/petitioner forthwith;

f) An order commanding/directing the concerned respondent authorities herein to sympathetically consider and dispose of the application made by the applicant/petitioner on February 05, 2021 upon relaxing the age criteria for mere lapse of 27 days (as on date of birth) and/or 1 day (considering full month of birth) in due consideration of merit and experience of the applicant/petitioner and thereby pass a reasoned order in accordance with law forthwith....".

Heard Mrs. S. Mitra, learned advocate and Mr. S. Ghosh, learned advocate for the State respondents.

Since the State in its wisdom has fixed the cut off age for the post of Medical Technologist (Lab), Gr-III at thirty-nine years, Court cannot direct relaxation of upper age for the post at forty years. Therefore, no order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA) MEMBER(A) (SOUMITRA PAL) CHAIRMAN.

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