

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 769 of 2019

Gita Mandal - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. S.P. Pahari,
and Advocate.

Date of order

12
27.04.2022

For the State Respondent : Mrs. S. Mitra,
Advocate.

Gita Mandal, the applicant, who has passed BHMS Examination from the Calcutta Homeopathy Medical College and Hospital in 1994 from University of Calcutta and thereafter joined the said hospital as an interneer on 5th January, 1995 has prayed for several reliefs, the relevant portion of which is as under :

“a) An order do issue directing the respondent authorities to give appointment in favour of the applicant to the post of General Duty Medical Officer in the cadre of West Bengal Health Service under Health and Family Welfare Department, Government of West Bengal by approving BHMS degree as medical qualification in the said post.

b) To quash and set aside the impugned order being Memo No.1030/WBHRB/R-90/2019 dated 29th July, 2019 passed by the Secretary, West Bengal Health Recruitment Board.”

The impugned intimation under challenge is as under :

“One of the essential qualifications for being eligible for the post of General Duty Medical Officer is ‘Medical qualifications included in the First or Second Schedule or Part-II of the Third Schedule of the Indian Medical Council Act, 1956 (102 of 1956) and...’Your application was rejected for having qualification BHMS. In the THE FIRST SCHEDULE

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(See section xi) RECOGNISED MEDICAL QUALIFICATIONS GRANTED BY UNIVERSITIES OR MEDICAL INSTITUTIONS IN INDIA, does not include BHMS. That is why you were not selected.”

It appears that after she had passed the examination, the applicant was issued certificate of registration for Homeopathic Practitioners by the Registrar of the Council of Homeopathic Medical Association on 29th January, 1996. Thereafter, pursuant to the advertisement dated 27th March, 2018 issued by the West Bengal Health Recruitment Board inviting candidates having medical qualification for recruitment to the post of General Duty Medical Officers in the cadre of West Bengal Health Services, the applicant made an application on 12th April, 2018. Call letter was issued for document verification and interview. The applicant participated in the interview. However, her candidature was rejected, as already seen, for the reasons mentioned in the order under challenge.

Mr. S.P. Pahari submits that since the authorities had allowed the applicant to participate in the interview, assuming she was not eligible for the post of General Duty Medical Officer, the authority should have considered her application under the Ayush scheme. Submission is that the authorities may be directed to consider the application of the applicant under Ayush scheme where there are vacant posts of Medical Officers.

Mrs. S. Mitra, learned advocate appearing on behalf of the State respondents referring to the document verification-cum-interview call letter appearing at page 18 submits that since the applicant was not having MBBS or equivalent pass certificate, she was not entitled to be considered

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for the concerned post and accordingly no order may be passed.

Admittedly, the applicant was having BHMS degree which is not MBBS degree or equivalent pass certificate as sought for in the document verification-cum-interview call letter. Therefore, no order can be passed on this application. However, this order will not prevent the applicant from applying as Medical Officer under Ayush scheme as and when advertisement is issued.

The application is disposed of.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS