

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 783 of 2019

Lopamudra Sarkar Bhattacharyya and Others. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. A. Sengupta, Advocate.
<u>16</u> 29.02.2024.	For the State Respondents	: Mr. G. P. Banerjee, 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.

A Supplementary affidavit filed today be kept in record and a copy has been served upon Mr. G. P. Banerjee, learned counsel for the State respondents.

The prayer in this application is for setting aside the resolution of the West Bengal Health Recruitment Board dated May 31, 2019 and June 10, 2019 adopted by the Expert Committee appointed by the Department. Following the above prayer, the applicant has also prayed for setting aside the list of selected candidates (UR) which was published on July 26, 2019 for the post of Senior Ayurvedic Medical Officer.

Appearing on behalf of the applicant, Mr. Sengupta, learned counsel draws the Tribunal's attention to the part of the advertisement in which the provision for age relaxation has been mentioned. Admitting that the applicant had crossed the required age of 40 years as on 01.01.2018 but a provision in the advertisement for relaxation of age was not considered. In reply to her RTI application, the respondent

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authority had ascribed the reason for rejection being “over age”. Submission is that by a Memo. Dated 16.05.2019, the department had informed the Board that such age limit up to 5 years age can be relaxed if the candidate has more than 5 years experience in the regular post or contractual post. As proof to such experience, the applicant had furnished her experience certificates under the Government of West Bengal before the respondent authorities but these were not considered. As an example, a certificate issued by the Director of Ayurveda on 05.01.2017 is presented.

Mr. Sengupta submits that similar certificates having similar experience covering more than 5 years were earlier furnished by the applicants to the respondents. Submission is that if these certificates had been considered as per the Memo by the Joint Secretary dated 16.05.2019, the applicant deserved to be given due consideration and her age should have been relaxed.

Appearing on behalf of the respondent authorities, Mr. Banerjee submits that such claims of the applicants of having submitted valid experience certificate have to be properly checked with the office of the respondent authority. Mr. Banerjee also feels that only the competent authority or experts will be in a position to give their opinion regarding authenticity or validity of such certificates.

Having heard the learned counsels for the parties, this application is disposed of by directing the respondent no. 7, the Secretary & Controller of Examinations, West Bengal Health Recruitment Board to consider the papers in this application as the representation of the applicant and after examination, pass a reasoned and speaking order relating to the prayer of the applicant for relaxation of her age for the

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post of Senior Ayurvedic Medical Officer in accordance with Rules within three (03) months from the date of communication of this order. The applicant may also be advised to appear with relevant papers before him, if so required.

The above order is restricted only for the applicant no. 2, Dr. Sutapa Chakraborty.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

HS/SM