

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 784 of 2021.

PUJA GUPTA AND OTHERS -VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicants : Mr. U.N. Betal,
Advocate.

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17.11.2021.

For the State Respondents : Mr. G.P. Banerjee,
Advocate.

Let affidavit of service filed be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the State respondents is requested to appear in the matter. Let a copy of the original application be served by Mr. U.N. Betal, learned advocate for the applicants on Mr. G.P. Banerjee, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application, the applicants stated to be possessing requisite qualification for the post have prayed for a direction upon the respondents to allow them to participate in the present recruitment process of Medical Technologist (Lab) Grade-III initiated pursuant to the advertisement dated 2nd November, 2021.

It is submitted by Mr. Betal that since the issue is settled by the judgement delivered on 18th December, 2019 passed in OA 237 of 2019 (Puja Gupta & Others –vs- The State of W.B. & Others) appropriate interim order may be passed so that the applicants can participate in the selection process.

Mr. Banerjee submits that he is yet to receive instruction.

Considering the submission made on behalf of the

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applicants, in view of the order passed in Puja Gupta (supra), we find a prima facie case has been made out by the applicants for passing an interim order. Therefore, let there be an interim order directing the respondents to accept the applications of the applicants in hard copy format and the respondents including the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, - the respondent no. 4 shall allow the applicants to participate in the selection process for recruitment to the post of Medical Technologist (Lab) Grade-III initiated pursuant to the advertisement dated 2nd November, 2021 without prejudice the rights and contentions of the parties and subject to further orders that may be passed. After the examination, the answer sheets and marks sheets of the applicants shall be kept in a sealed cover and the results shall not be published without the leave of the Tribunal. It is also made clear that this order will not create equity in favour of the applicants.

Let the matter appear under the heading "For Orders" on 9th February, 2022.

Parties are directed to act on the copy of the order downloaded from the website of the Tribunal.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Skd.