

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 786 of 2019.

SOUMITRA ACHARYYA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G. Halder, Advocate.
	For the State Respondent	: Mr. G.P. Banerjee, Advocate.
<u>8</u> 03.03.2021		

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Though the matter has appeared under the heading “Reply/Rejoinder and Objection”, it is submitted by Mr. G. Halder, learned advocate for the applicant that the matter may be taken up for hearing to which Mr. G.P. Banerjee, learned advocate for the State respondents does not oppose.

In this application Soumitra Acharyya, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“a) A direction do issue upon the concerned respondent authorities, particularly the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, i.e. the respondent no. 3 herein, to forthwith give appointment to the applicant herein for the post of “Physiotherapist Grade-III” under Health and Family Welfare Department, Government of West Bengal by issuing appointment letter within a stipulated time period.

b) A direction do issue directing the respondent no. 3 herein to award/reassess proper marks in favour of the applicant for the post of “Physiotherapist Grade-III as he is having the requisite qualification as well as experience as per advertisement no. R/MT/Phar/Physio/48/4/2018....”.

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It is submitted by Mr. Halder that though the applicant had participated in the selection process for the post of Physiotherapist Grade-III, however it appears from an information received under the Right to Information Act, 2005, as evident from pages 33 and 34 of the application, that though he has been given six marks out of ten full marks, he is entitled to ten full marks as he was in a contractual service with the State Government for five years and as in the advertisement the maximum marks for five years of such service is ten marks. Since marks were not properly awarded with regard to experience, an order may be passed directing review of the results.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the entire selection process is just and proper.

Having heard learned advocates for the parties, since it is submitted on behalf of the applicant that though in the advertisement it has been stipulated that two marks will be given for each year of contractual service with the State Government and the maximum marks under the said category would be ten, as it is submitted that the applicant has worked for five years in the contractual service under the State and is entitled for maximum ten marks, considering the facts and circumstances of the case, the application is disposed of by directing the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, - the respondent no. 3 to reassess the marks with regard to the experience of the applicant in accordance with law and

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shall pass a reasoned order within fifteen weeks till the date of presentation of a copy of this order downloaded from the internet/website, after verifying the records. If the contention of the applicant is upheld, appropriate follow up action will be taken by the State respondent nos. 1 and 2 by issuing necessary orders. It is however made clear that I have not gone into the merits of the matter and all points are left open for the respondent no.3.

(SOUMITRA PAL)
CHAIRMAN

Skg.