

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 799 of 2021.

MD. JIAD ALI BISWAS AND 2 OTHERS -VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicants : Mr. G.P. Banerjee,
Advocate.

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22.11.2021.

The application has been filed in the Registry today that is 22nd November, 2021 and is appearing in the supplementary cause list under the heading “New Application”. Mr. G.P. Banerjee, learned advocate for the applicants submits since the applicants are eligible and are desirous to participate in the recruitment process for the post of Medical Technologist (Lab) Grade-III and as the last date for filling up of the application has been extended till 23rd November, 2021 up to 1:00p.m., the matter may be taken up on urgent basis.

We are satisfied with the urgency pleaded.

Let copies of the application along with the gist of this order be served on each of the respondents by 4:00 p.m. today and affidavit of service be filed when the matter is taken up today after conclusion of the hearing matters.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Later:-

For the Applicants : Mr. G.P. Banerjee,
Mr. B. Nandy,
Advocates.

For the State Respondents : Mr. S. Ghosh,
Advocate.

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. S. Ghosh, learned advocate, who normally

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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. G.P. Banerjee, learned advocate for the applicants on Mr. S. Ghosh, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Ghosh.

It is submitted by Mr. Banerjee that since the last date of registering for on line recruitment to the post of Medical Technologist (Lab) Grade-III has been extended till 23rd November, 2021 till 1 P.M., appropriate interim order may be passed as the applicants, contractual workers or are working as Medical Technologists in various departments possess required qualifications. In this regard, reliance has been placed on the order delivered on 10th March, 2016 passed in WPST No. 125 of 2014 with CAN No. 2159 of 2016 (Dipak Saha & Others – Vs- The State of West Bengal & Others) and order passed on 3rd February, 2021 in OA 58 of 2021(Jishnu Bhattacharyya & Ors –Versus- The State of West Bengal & Ors) by the Tribunal.

Mr. S. Ghosh, learned advocate for the State respondents referring to the order dated 3rd March, 2016 passed in WPST No. 125 of 2014 with CAN No. 2159 of 2016 (Dipak Saha & Others – Vs- The State of West Bengal & Others) and order passed on 3rd February, 2021 in OA 58 of 2021(Jishnu Bhattacharyya & Ors –Versus- The State of West Bengal & Ors) submits on instruction, true the applicants are working as Medical Technologists (Lab) Grade-III on contractual basis, however, if the applicants are allowed to appear in the selection process for the post of Medical Technologist (Lab) Grade-III, it could open floodgates in future and therefore, no order may be passed.

Heard learned advocates for the parties.

Since it appears from the submission on behalf of the State

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respondents that the applicants, who are working as Lab Technician on contractual basis, is a post equivalent to Medical Technologists (Lab) Grade-III, in view of the order dated 10th March, 2016 passed in Dipak Saha (supra) and on 3rd February, 2021 in Jishnu Bhattacharyya (supra) and since the last date for submission of on line application for the post of Medical Technologist (Lab) Grade-III in the West Bengal Health Service has been extended till 23rd November, 2021 till 1 P.M., in our view, a prima facie case has been made out for passing an interim order in favour of the applicants. Therefore, let there be an interim order directing the respondents to allow the three applicants to submit their applications for the post of Medical Technologists (Lab) Grade-III in the West Bengal Health Services in hard copy format without prejudice the rights and contentions of the parties and subject to the final order that may be passed. It is made clear that all other required eligibility criteria must be fulfilled by the applicants before admit cards are issued to them. If the selection process as indicated is undertaken, the applicants will be allowed to participate. However, the mark sheets and the answer scripts of the applicants shall be kept in a sealed cover and the result of the applicants shall not be published without the leave of the Tribunal. It is made clear that this order shall not create any equity in favour of the applicants.

Let reply be filed by 28th January, 2022. Rejoinder, if any, by 23rd February, 2022. Let the matter appear under the heading “Reply/Rejoinder and Objection” on 2nd March, 2022.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Sk.

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