

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 81 of 2023

KRISHNENDU GARAI

- Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant

: Mr.Sourav Bhattacharjee
Advocate

03

04.07.2023

For the State respondent

: Mr.Shaon Bhattacharyya
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.

The prayer in this application is for a direction to the respondent to give 5 (five) marks under the field “experience” to the applicant. Submission of the learned counsel for the applicant is that the applicant was deprived of being qualified in the merit list due to the Board not considering the fact that the applicant had submitted the relevant experience certificates. If the certificates had been considered, as per the advertisement, which has allotted 1 (one) mark per year for experience in private sector, the applicant would have got 70.80 marks and thus, qualified for appointment. Against an RTI question, the respondent has informed the applicant that under the experience (in private sector) the total marks he has received is 0.00.

Mr.S.Bhattacharjee, learned advocate appearing for the applicant refers to page No. 43 which appears to be an experience certificate signed by one Dr. Harish Kumar Garai stating that the applicant had worked as a Pharmacist and a Clinic Assistant on and from 26.12.2008 till date – 24.05.2015. Attention is also drawn to page No. 47 which also

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Form No.

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appears to be an experience certificate issued on behalf of Burdwan Diagnostic & Research Centre (P) Ltd. stating that the applicant had worked as a Pharmacist from 25.05.2015 to 05.10.2019. Based on these certificates, the applicant has gathered more than five years of experience as a Pharmacist. Therefore, considering these certificates, the applicant deserves to be given a total of five marks under the experience in Private Institution as mentioned in the advertisement.

In response, Mr.S.Bhattacharyya, learned advocate appearing on behalf of the respondent authority submits that the applicant did not submit such experience certificates online by the last date - 24.10.2019. The only certificate, the applicant uploaded online within the due date is the appointment letter issued to the applicant as a Pharmacist on 20.05.2015 by the Burdwan Diagnostic & Research Centre (P) Ltd. Since no experience certificate was uploaded by the applicant within the due date, therefore, his candidature was not allotted any marks for having experience in a Private Institution and thus, he did not qualify.

To file reply and substantiate the above submission by way of relevant documents, Mr.S.Bhattacharyya prays for adjournment.

Let the matter appear under the heading "For Orders" on 11th December, 2023. Reply, rejoinder, if any, in the meantime.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR