

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

05
24.01.2024

For the Applicant : Mr.Sourav Bhattacharjee
Advocate
For the State Respondents : Mr.Goutam Pathak 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.

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

ORDER SHEET

Form No.

KRISHNENDU GARAI

Vs.

Case No **OA 81 OF 2023**

THE STATE OF WEST BENGAL & OTHERS.

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.

Having heard the submissions of the learned counsels and considering the facts and circumstances of this case, the Tribunal finds that there was proper and justifiable ground on behalf of the respondents not to have awarded any marks to the applicant against his experience. It appears to the satisfaction of this Tribunal that due to failure in uploading these two certificates within the time limit, the applicant was not awarded any marks. This reason was submitted by Mr.Shaon Bhattacharya on the last date of hearing. On the other hand, Mr.Sourav Bhattacharjee, learned counsel for the applicant, though argues that such certificates were uploaded on time, but later from his submission, the Tribunal gets the impression that the applicant had faced some "technical problem" while uploading the certificates and thus, those

ORDER SHEET

Form No.

KRISHNENDU GARAI

Vs.

THE STATE OF WEST BENGAL & OTHERS.

Case No **OA 81 OF 2023**

certificates could not be uploaded. From the submissions, it has now become clear to the Tribunal that those certificates could not be uploaded within the time limit.

Since, the applicant side could not substantiate or satisfy this Tribunal that though such certificates were uploaded, but no marks were awarded, this Tribunal does not find any merit in this application. Accordingly, this matter is disposed of without passing any orders.

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

BLR