

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. - OA 934 of 2021

SANTU GARAI - VERSUS - THE STATE OF WEST BENGAL & ORS.

|                                 |                     |   |                                                                            |
|---------------------------------|---------------------|---|----------------------------------------------------------------------------|
| Serial No. and<br>Date of order | For the Applicants  | : | Mr. Ekramul Bari,<br>Mrs. Sonali Mitra,<br>Advocates                       |
| <u>4</u><br>18.07.2022          | For the Respondents | : | Mr. Gautam Pathak Banerjee,<br>Mr. Susanta Kumar Chakraborty,<br>Advocates |

As prayed for by Mr. Ekramul Bari, learned advocate for the applicant, leave granted to amend the cause title of the application so far as it relates to the respondent no.3, by incorporating the Secretary and Controller of Examinations, Health Recruitment Board, Kolkata in course of this day.

In this application, Santu Garai, the applicant,- a physically challenged candidate in the unreserved category – has prayed for certain reliefs, the relevant portion of which is as under:

“(a) *An order directing the respondents, their agents, subordinates and successors to include the name of the applicant in the panel list after awarding proper marks in academic and to give appointment in favour of the applicant for the post of Homeopathic Medical Officer.*

(b) *An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;”*

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It has been stated that on 20<sup>th</sup> December, 2019, the West Bengal Health Recruitment Board published an advertisement inviting online applications for filling up the post of Homeopathic Medical officer under the West Bengal Homoeopathic Health Service under the Department of Health and Family Welfare, Government of West Bengal. The applicant, having requisite qualification, made an application under the Physically Handicapped category for participating in the selection process as Homoeopathic Medical Officer and accordingly, he was called for document verification-cum-interview on 21<sup>st</sup> January, 2021. Subsequently, the respondents published a panel / merit list of candidates on 2<sup>nd</sup> November, 2021, but the name of the applicant did not figure in the said list. It has been stated that in the panel, the last empanelled candidate in PWD category obtained 73 marks. It has been stated that as according to the calculation of the applicant he should have been given 73.5 marks and the last empanelled candidate in the said category had secured 73 marks, he should have been included in the merit list and given appointment. It is submitted by Mr. E. Bari, learned advocate for the applicant, that though a representation dated 21<sup>st</sup> December, 2021 was furnished before the Secretary and Controller of Examinations, Health Recruitment Board, Kolkata, the respondent no.3, it has not been considered. Aggrieved, this application has been filed. Submission in direction may be issued upon the respondent no.3 to consider the said representation.

Mr. Gautam Pathak Banerjee, learned advocate for the State respondents submits that though the representation dated 21<sup>st</sup> December, 2021 has not been annexed to the original application, however, if fresh representation is filed, it will be considered by the respondent no.3.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting

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liberty to the applicant to file a representation ventilating his grievances afresh before the Secretary and Controller of Examinations, Health Recruitment Board, Kolkata, the respondent no.3, annexing copies of relevant documents within a fortnight from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed within the time as stipulated, the respondent no.3 will dispose of the same by passing a reasoned order to be communicated to the parties within four weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)  
MEMBER (A)

(SOUMITRA PAL)  
CHAIRMAN