

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-943 of 2021.

Dr. Prasanta Kumar Ghorai. – Versus – The State of West Bengal and Others.

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|---------------------------------|---------------------------|------------------------------------|
| Serial No. and Date of order | For the Applicant | : Mr. K. Bera, Advocate. |
| <u>2</u> 25.02.2022. | For the State Respondents | : Mr. G. P. Banerjee, Advocate. |

Let affidavit of service filed today be kept on record.

On the prayer of Mr. K. Bera, learned advocate for the applicant, leave granted to add the Secretary and Controller of Examinations, West Bengal Health Recruitment Board as a party respondent by amending the cause title of the application in course of this day.

In this application, Dr. Prasanta Kumar Ghorai - the applicant, has prayed for several reliefs, the relevant portion of which is as under:-

“(a) The respondents, their agents and/or subordinates be directed to give 5 marks in favour of the applicant in Academic score in respect of Sl. No. 2 and Sl. No. 3 which has malafidely not given by the respondent authorities and be directed to recommend the applicant for appointment by not discriminating the applicant from other similarly situated candidates who have been granted said 5 marks each in respect of Sl. No. 2 and Sl. No. 3 of the Advertisement dated 20.12.2019 for appointment to the post of Homoeopathic Medical Officer.

(b) The respondents, their agents and/or subordinates be directed to appoint the applicant in the post of Homoeopathic Medical Officer in Unreserved category from the date of joining of the selected 238

Form No.

Dr. Prasanta Kumar Ghorai.

Case No. **OA-943 of 2021.**

Vs.

The State of West Bengal and Others.

candidates as recommended by the W.B Health Recruitment Board upon granting 5 marks to the applicant.”

It appears that the applicant, pursuant to the advertisement for (direct recruitment) to the post of 243 (two hundred forty three) Homoeopathic Medical Officers under West Bengal Homoeopathic Health Service under the Department of Health & Family Welfare, Government of West Bengal, had applied for the post. The applicant had participated in the selection process and had appeared in the interview on 15th January, 2021. However, after the final merit list was published, he found that he was not among the 238 selected candidates out of 243 candidates recommended for appointment. On a further scrutiny he found that though examiners, as evident from page-33 from the application, had given 69 as academic score and for interview 13 marks have been granted and the applicant had scored 82, however, no marks have been given for experience though experience certificates were furnished. It is submitted by Mr. Bera since the advertisement stipulates that one mark for experience is allotted for each completed year with maximum five marks as no marks have been given to the applicant though he filed experience certificates, the respondent authorities may be directed to review the marks of the applicant.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will review the marks in accordance with law.

Since it is submitted on behalf of the applicant that no marks have been granted for his experience though experience certificates

ORDER SHEET

Form No.

Dr. Prasanta Kumar Ghorai.

Vs.

Case No. **OA-943 of 2021.**

The State of West Bengal and Others.

were furnished, considering the said fact the Controller of Examinations, West Bengal Health Recruitment Board and the Secretary & Controller of Examinations, West Bengal Health Recruitment Board – the respondent nos. (v) and (vi) respectively shall review the marks granted to the applicant after considering the experience certificates, if filed in accordance with law, and shall communicate the decision to the applicant within four weeks from the date of furnishing a copy of this order downloaded from the website of the Tribunal.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.