

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. – RA 2 OF 2024 (OA 794 OF 2023)**

DIPANKAR GUCHHAIT & OTHERS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicants

:

Mr.Manujendra Narayan Roy

Advocate

02

16.07.2024

For the State Respondent

:

Mr. Ranjit Kumar Mondal

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 review / recall the order dated 14.03.2024 passed in OA-794 of 2023. The application being OA-794 of 2023 was disposed of by the Tribunal after it was submitted by the learned counsel for the State respondents that the Health Recruitment Board does not maintain any panel of wait listed candidates who were not successful for the post of Homoeopathic Medical Officer. Learned counsel for the State respondents had also indicated that the panel having list of successful candidates published on 31.12.2021 has already become invalid in view of the Finance Department's Notification No. 7196-F(P) dated 02.07.2010. The Tribunal had accepted the submission of the State respondents with their observation and the prayer in OA-794 of 2023 was disposed of. Contention is that though the State respondents have preferred to show that the Board does not maintain any list of unsuccessful candidates as wait listed candidates, two instances have been brought to the notice of the Tribunal by which, one Santu Gorai was recommended by the Board on 05.06.2023 and appointment letter was issued on 28.07.2023. Similarly, one Dr. Lipi Naskar's name was

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recommended by the Board on 14.09.2023. and appointment letter was also issued on 10.11.2023. The contention of Mr.Roy on behalf of the applicant is that the ground relied on by the State respondents is not correct and the names of persons as mentioned above were recommended and the letters were issued.

The Tribunal is satisfied with the contention of the applicant side and after examination of the documents referred to, it is clear that two names, Santu Garai and Lipi Naskar were recommended by the Board after 30.12.2022. Therefore, the prayer in this application for review/recall the order dated 14.03.2024 is allowed. Let OA-794 of 2023 be restored to its original name and number. Let OA-794 of 2023 be listed under the heading "For Orders" on 8th August, 2024.

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

BLR