

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble Dr. Subesh Kumar Das, Member (A)****Case No QA - 48 of 2020****Dibyendu Bikash Ghosh –Vs- The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>2</u> 31.07.2020</p>	<p><i>For the Applicant : None.</i></p> <p><i>For the Respondents : None.</i></p> <p><i>As per the applicant, in pursuance to the advertisement No. R/HMO/78(1)/1/2019 dated 20.12.2019; he applied for the post of Homeopathy Medical Officer. However, he had already crossed the upper age limit of 40 years and had made a representation before the authority for relaxation of age. As his representation was not considered, being aggrieved with, he has filed the instant application with following prayer:</i></p> <p><i>“(a) The respondent authorities may be directed to immediately consider the representations of the applicant.</i></p> <p><i>(b) Mandatory directions may be given upon the respondent authorities to immediately allow the applicant to appear in the selection process by considering his age.</i></p> <p><i>(c) A direction may be given as mandatory order to allow him to participate in the selection process by considering age bar.</i></p> <p><i>(d) Direction may be given to allow the applicant for off-line application.”</i></p>	

**ORDER SHEET**

Dibyendu Bikash Ghosh

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. **OA - 48 of 2020** .....

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A.K.P.	<p><i>In view of the above, it is observed that the applicant has basically asked for relaxation of upper age limit for the purpose of participating in selection process of Homeopathy Medical Officers. However, the applicant has filed the instant application under the determination code No. 7 which stipulates "challenge and discrepancy as to date of birth, age and date of retirement". Therefore, it is clear that the aforesaid determination is with regard to the issue involved during the service period of any government servant whereas the instant case is related to relaxation of age for fresh selection process on direct recruitment basis. Therefore, we do not have any determination over the same issue. Accordingly, we release the matter from this cause list with a liberty to the applicant to approach before the appropriate bench of determination.</i></p> <p><b>SUBESH KUMAR DAS</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	