

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal,
Hon'ble Mr. P. Ramesh Kumar,

Hon'ble Chairman &
Administrative Member.

CASE NO. OA 19 of 2020.

RINKU GAIN BHATTACHARYA – VS- THE STATE OF W.B. & ORS.

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>2 16.1.2020.</p>	<p>For the Applicant : Mr. K. Basu, Mr. S. Chatterjee, Advocates.</p> <p>For the State Respondent : Mr. S.Ghosh, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application Rinku Gain Bhattacharya, the applicant, who was appointed on contractual basis in 2013 and stated be still continuing in service, has prayed for a direction upon the respondent authorities to allow her to participate in the recruitment process for the post of Medical Technologist (RD) Grade III by furnishing an application , the last date of which is 20th January, 2020.</p> <p>Mr. K. Basu, learned advocate appearing on behalf of the applicant submits that as the applicant is rendering service since 2013 and has the required qualifications, appropriate interim order may be passed allowing her to submit the application for the post of Medical Technologist (RD) Grade-III. Mr. Basu has relied on the judgement of the larger Bench of the High Court in WP 2256(W) of 2011 Gobinda Chandra Mondal – vs-</p>	

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	<p>Principal, Rabindra Mahavidyalaya reported in 2013(1) CHN(CAL) 9 in support of his submission.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the respondent submits that the judgement in Gobinda Chandra Mondal (supra) is not applicable as the post concerned is not a substantive post. Moreover, the applicant does not fulfil the stipulations in paragraph 25 of the judgement.</p> <p>Heard learned advocates for the parties.</p> <p>Since we prima facie find that the applicant has been rendering contractual service since 2013 and since the last date for submission of application for the post of Medical Technologist (RD) Grade-III is 20th January, 2020, in our view a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order directing the respondent nos. 3 and 4 to allow the applicant to submit an application in hard copy format for the post of Medical Technologist (RD) Grade-III without prejudice to the rights and contention of the parties subject to further order that may be passed. If the selection process is undertaken, the applicant will be allowed to participate. However, mark sheets and answer scripts of the applicant will be kept in</p>	

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Skg.	<p>a sealed cover and will not be published without the leave of the Tribunal. It is made clear that this order will not create any equity in favour of either of the parties.</p> <p>Let reply be filed by 2nd March, 2020. Rejoinder, if any by 23rd March, 2020. Matter to appear under the heading "Reply/Rejoinder and Objection" on 2ND April, 2020.</p> <p>Let plain copies of this order be given to the parties.</p> <p>(P. Ramesh Kumar) Member (A)</p> <p>(Soumitra Pal) Chairman.</p>	