

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

**Hon'ble Justice Soumitra Pal, Hon'ble Chairman.**  
**& Hon'ble Dr. Subesh Kumar Das, Administrative Member.**

CASE No. OA 251 of 2019.  
 KRISHNA SAMANTA -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>1</p> <hr/> <p>1.4.2019.</p>	<p>For the Applicant : Mr. U.N. Betal, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Mr. S. Ghosh, Advocates.</p> <p>Affidavit of service filed today be kept on record.</p> <p>Heard Mr. Betal, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the respondents.</p> <p>Let reply to the original application be filed by 3<sup>rd</sup> May, 2019. Rejoinder, if any, by 17<sup>th</sup> May, 2019.</p> <p>So far as the prayer for interim order is concerned , it is submitted by Mr. Betal that since an interim order was passed on 28<sup>th</sup> March, 2019 in a similar matter being OA 237 of 2019 (Puja Gupta &amp; Ors-Vs- The State of West Bengal &amp; Ors), appropriate order may be passed. Moreover referring to the annexure D at page 40 of the original application it is submitted that as the applicant fulfils the educational qualifications, appropriate order may be passed. Moreover the issue regarding educational qualification has reached its</p>	

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	<p>finality by the judgement passed by the Tribunal, which has been accepted by the State as no writ petition was filed before the High Court challenging the said order.</p> <p>Mr. Banerjee, learned advocate for the State respondent referring to the order passed in OA 237 of 2019 submits that since the question of relaxation of age has been set at rest by the order passed by the High Court on 23<sup>rd</sup> July, 2018 in WPST No. 53 of 2018 ( The Chairman, Public Service Commission, West Bengal –Vs- Palash Kumar Samanta &amp; Ors) whereby the High Court had set aside the relaxation of age of the applicants by the Tribunal, no order may be passed. Submission is since it is evident from the educational qualifications and testimonials annexed to the application, particularly from pages 25 to 28 thereof, that the applicant does not fulfil the requirements under the advertisement, no interim order may be passed.</p> <p>Considering the facts and circumstances of this case, let there be an interim order directing the Secretary and Controller of Examinations, West Bengal Health Recruitment Board, respondent no. 4 to allow the applicant to participate in the selection process for the</p>	

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Skg.	<p>post of Medical Technologist (Lab) Grade-III subject to compliance of other formalities and subject to the age bar in view of the order passed by the High Court on 23<sup>rd</sup> July, 2018 in W.P.S.T. No. 53 of 2018 without prejudice to the rights and contentions of the parties and subject to further orders which may be passed. Let the mark sheets of the applicants be kept in a sealed cover and the result will not be published without leave of the Tribunal. It is made clear that this order will not create any right or equity in favour of the applicants.</p> <p>Let the matter appear under the heading "Reply/Rejoinder and further order" on 22<sup>nd</sup> May, 2019.</p> <p>Learned advocates for the parties are permitted to take down the gist of this order for communication to the respondents, including the respondent no. 4, who shall act on the basis of such communication.</p> <p>(Subesh Kumar Das) Member(A).</p>	<p>(Soumitra Pal) Chairman.</p>

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