

**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 258 of 2019.

KRISHNENDU DAS -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. M.N. Roy, 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>As prayed for by Mr. M.N. Roy, learned advocate for the applicant, leave granted to file supplementary affidavit. Let supplementary affidavit filed be kept on record.</p> <p>Heard Mr. Roy, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the respondents.</p> <p>Let reply to the original application as well as to the supplementary affidavit 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. Roy 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 so far as the question of over age is</p>	

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	<p>concerned, relying on the judgement passed on 18<sup>th</sup> June, 2018 in OA 401 of 2018 (Tapas Kumar Das &amp; Others – Versus- The State of West Bengal &amp; Others) it is submitted that since the Tribunal had already allowed the applicants therein to participate in the selection process after condoning the age bar, appropriate order may be passed. Moreover, 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. It is submitted that since in this application the applicant has himself stated, as evident from page 16 at annexure B of the original application, that two years Diploma in MT in concerned subject from the institution is not in the list of the approved university/Institution, no order may be passed.</p>	

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	<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. 3 to allow the applicant to participate in the selection process for the 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</p>	

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Skg.	<p>respondent no. 3, 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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