

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble P.Ramesh Kumar (Administrative Member)****Case No. OA-286 of 2018****UMA SARKAR Vs. THE STATE OF WEST BENGAL & 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 style="text-align: center;"><u>02</u> 29.08.18</p>	<p>For the Applicant : Mr.R.A.Chowdhury Advocate</p> <p>For the Respondent : None</p> <p>Let affidavit of service filed be kept on record. Despite service of notice none appears on behalf of the respondents. In this application, the applicant has prayed for a direction upon the respondents to issue appointment letter in her favour for the post of "Helper" in Sadhid Bandana Smriti Mohila Abas in terms of the reasoned order issued vide Memo. No. SW/424/1-18 dated 16<sup>th</sup> September, 2016 by the District Magistrate, Coochbehar, the respondent No. 3 pursuant to the order dated 27<sup>th</sup> July, 2016 passed by the Tribunal. It appears that earlier the applicant had moved this Tribunal by filing an application being OA-839 of 2015 (Uma Sarkar Vs. State of West Bengal &amp; Others) which was disposed on 27<sup>th</sup> July, 2016 by passing an order, the relevant portion of which is as follows:</p> <p style="text-align: center;"><i>"We find that in the List of Selected Candidates name of the Applicant is in Serial No. 6 of the list prepared by the District Social Welfare Officer by his memo. No. SW/165/I-166. It has been stated that Shrimati Jhunu Bhowmik (Dey Sarkar), who figure in Serial No. 3 has already joined her</i></p>	

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Vs.

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.....Case No. **OA - 286 OF 2018**

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	<p><i>duties as an Anganwari Helper at Mathabhanga Block II and also the fact that another selected candidate from the said list had also resigned, the scope of the Applicant had improved.</i></p> <p><i>Taking into account the entire aspect of the matter, we dispose of the Application by directing the District Magistrate, Cooch Behar to take necessary steps for issuing Appointment Letter in favour of the Applicant in the event her name has matured in the list on the event of the resignation of two more candidates before her in the Selection List.</i></p> <p><i>The District Magistrate is directed to take a decision in this matter within a period of six weeks from the date of communication of this order."</i></p> <p>Thereafter, the District Magistrate, Coochbehar had considered the matter and had passed an order on 16<sup>th</sup> September, 2016, being annexure-B to this application, by directing that "Appointment Letter will be issued in favour of the Applicant as soon as her name will mature in the list in the event of the vacancy being created on account of resignation, death, termination or otherwise."</p>	

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	<p>It is submitted by Mr.R.A.Chowdhury, learned advocate for the applicant that though the District Magistrate had directed to issue appointment letter in favour of the applicant as soon as her name will mature in the event vacancy is created, however an advertisement has been issued inviting applications for eligible candidates for engagement to various posts as evident from annexure-C to the application. Submission is since the applicant is eligible for being appointed as 'Cook' and as it is evident from the advertisement at page- 15 of the application that there is one post vacant in the Government School for the Blind, direction may be issued for issuing appointment letter.</p> <p>Heard Mr.R.A.Chowdhury, learned advocate for the applicant. Admittedly, the District Magistrate, Coochbehar by order dated 16<sup>th</sup> September, 2016 had directed that appointment letter will be issued in favour of the applicant as soon as her name will mature in the list of vacancy being created on account of resignation, death, termination or otherwise. We find from page-15 that an advertisement for one post of 'Cook' is vacant in</p>	

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BLR	<p>the Government School for the Blind. Therefore, in view of the order dated 16<sup>th</sup> September, 2016 passed by the District Magistrate and as there is one vacancy in the post of 'Cook' in the Government School for the Blind, considering such fact, the District Magistrate, Coochbehar, the respondent No.3 is directed to appoint the applicant in the post of 'Cook' in the Government School for the Blind within eight weeks from the date of presentation of a copy of the certified copy of this order on compliance of formalities by the applicant, if any. The authorities will inform the applicant regarding the formalities, if any, to be complied within the said period.</p> <p style="text-align: center;"> <b>(P.RAMESH KUMAR)</b>  <b>MEMBER(A)</b> </p> <p style="text-align: center;"> <b>(SOUMITRA PAL)</b>  <b>CHAIRMAN</b> </p>	