

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

Hon'ble Justice Soumitra Pal,                      Hon'ble Chairman &  
 Hon'ble Mr. P. Ramesh Kumar,                      Administrative Member.

**CASE NO. OA 318 of 2019.**

**RUMY SUR – Vs- THE STATE OF WEST BENGAL AND 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;">3</p> <hr/> <p>11.7.2019.</p>	<p>For the Applicant                      : Mr. G. Halder, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>Though the matter has appeared under the heading “Reply/Rejoinder and Objection”, on the prayer of Mr. G. Halder, learned advocate for the applicant, the matter is taken up for hearing, which Mr. S. Ghosh, learned advocate for the State respondent in his usual fairness does not oppose.</p> <p>This application was moved on 17<sup>th</sup> April, 2019 when, after hearing the learned advocates of the parties, the following order was passed :-</p> <p>“...Affidavit of service filed today be kept on record. This application has been filed on 11<sup>th</sup> April, 2019. Heard Mr. M.N. Roy, learned advocate for the applicant and Mr. S. Ghosh, learned advocate for the respondents. Let reply be filed by 3<sup>rd</sup> May, 2019. Rejoinder, if any, by 17<sup>th</sup> May, 2019. So far as the prayer for interim order is concerned, since we find that the last date of interview was on 2<sup>nd</sup> April, 2019 and today some interviews are held pursuant to the order of the Tribunal, no interim</p>	

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	<p>order is passed. However, perusing the annexure appearing at page-22 of the application, we pass an order that the action taken shall abide by the result of the application. Let the matter appear under the heading "Reply, rejoinder and Objection" on 22<sup>nd</sup> May, 2019".</p> <p>Pursuant to the direction, reply has been filed and is on record.</p> <p>Mr. Halder submits that though no interim order was passed, however, as perusing the annexure at page 22 of the original application, an order was passed recording that action taken by the State respondent would abide by the result of the application, appropriate order may be passed.</p> <p>Mr. Ghosh submits that the order cancelling the candidature of the applicant is just and proper.</p> <p>The candidature of the applicant was cancelled by Gmail, as evident from annexure at page 22 of the original application, the relevant portion of which is as under :-</p> <p>"On farther (<i>sic</i>) scrutiny on subsequent document verification of documents, it appears that <u>your candidature has been cancelled for one of the following</u></p>	

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	<p><u>reason (sic).</u></p> <ul style="list-style-type: none"> <li>• Direct MLT after B.Sc. any subject is not allowed. After B.Sc., Diploma certificate is essential as per Advt.</li> <li>• Physics, Chemistry and Biology is the one of the essential criterion in H.S. (10+2)</li> <li>• Eligibility criterion of the selection of institute was clearly published in our Advt. As per that Institute not accepted</li> <li>• Essential document not uploaded at the time of Online Application</li> </ul> <p>The call letter, downloaded earlier stands here by cancelled.” (Emphasis supplied)</p> <p>Evidently the authorities while cancelling the “call letter” has not specified the reason for cancellation of the candidature of the applicant. The order cancelling the candidature of the applicant is vague and meaningless. Therefore, the intimation appearing at page 22 of the application is set aside and quashed. The application is allowed. Though the interview process is over, considering the facts and circumstances, the Secretary and Controller of Examinations, West Bengal</p>	

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Skg.	<p>Health Recruitment Board, – the respondent no. 3, is directed to hold interview of the applicant for the post of Medical Technologist (Lab) Grade – III within four weeks from the date of presentation of a copy of this order and shall publish the result within a week thereafter in accordance with law.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	