

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****Hon'ble Justice Soumitra Pal, Hon'ble Chairman.****CASE NO. OA 32 of 2020.****PRAMA MALLIK – 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;">2</p> <hr/> <p>27.1.2020.</p>	<p>For the Applicant : Mr. S. Roy Chowdhury, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>The matter is taken up pursuant to the notification nos. 87-WBAT/1E-08/2003 (Pt. II) and 88-WBAT/1E-08/2003 (Pt. II), both dated 21st January, 2020.</p> <p>Since Mr. S. Roy Chowdhury, learned advocate for the applicant submits that the respondents have been served with the copies of the application pursuant to the order dated 22nd January, 2020, the applicant is directed to affirm and file affidavit of service in course of this day.</p> <p>As prayed for by Mr. Roy Chowdhury, leave granted to add Secretary and the Controller of Examination, West Bengal Health Recruitment Board as party respondent by amending the cause title in course of this day.</p> <p>The matter has come up under the heading "Admission Hearing". Since the last date for filing the application for the post of 'Physiotherapist, Grade –III' in the West Bengal Health Services under the Health and</p>	

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	<p>Family Welfare Department, Government of West Bengal, is 29th January, 2020, on the prayer of Mr. Roy Chowdhury, as I find there is urgency, the matter is taken up for hearing.</p> <p>Mr. Roy Chowdhury submits that as the applicant has the qualification and is a contractual staff in the North 24-Parganas District Hospital since 2nd June, 2017 and has earned experience in treating the patients in Government Hospitals as reflected from the representation dated 2nd January, 2020 addressed to the respondents, appearing at page 24 of the application, appropriate interim order may be passed directing her to file an application for the said post and to participate in the selection process. In this regard, my attention has also been drawn to the judgement in W.P. 2256(W) of 2011 : Gobinda Chandra Mondal – vs- Principal, Rabindra Mahavidyala : 2013 (1) CHN(CAL) 9.</p> <p>Mr. S. Ghosh, learned advocate for the State respondents referring to paragraph 25 of the judgement in Gobinda Chandra Mondal (supra) submits that, as the said judgement, though directing of relaxation of age, has imposed certain conditions, it has to be examined</p>	

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	<p>whether the applicant fulfils those conditions or not. Mr. Ghosh relies on the judgement passed on 23th July, 2018 in W.P.S.T. No. 53 of 2018 : The Chairman, Public Service Commission, West Bengal – vs- Palash Kumar Samanta & Ors.</p> <p style="text-align: center;">Heard Mr. Roy Chowdhury and Mr. Ghosh.</p> <p>Since prima facie I find that the applicant is possessing qualification for the post of Physiotherapist, Grade –III and is a contractual staff since 1st June, 2017 as evident from annexure ‘D’ of the application and as she has submitted an application dated 2nd January, 2020 praying for condoning the age for appearing in the selection process, I find a case has been made out for passing an interim order. Therefore, let there be an interim order directing the Chairman, West Bengal Health Recruitment Board and the Secretary and Controller of the Health Recruitment Board – respondent nos. 4 and 5 respectively to allow the applicant to submit an application for the post of ‘Physiotherapist, Grade –III’ in hard copy format without prejudice to the rights and contention of the parties and subject to the further order that may be passed. If the selection process is</p>	

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Skg.	<p>undertaken, the applicant will be allowed to participate. However, the mark sheet and answer script of the applicant shall be kept in sealed cover and the result in respect of the applicant shall not be published without the leave of the Tribunal. It is made clear that this order will not create equity in favour of the applicant.</p> <p>Let reply be filed by 6th March, 2020. Rejoinder, if any, by 30th March, 2020. Matter to appear under the heading "Reply/Rejoinder and Objection" on 8th April, 2020 before the Division Bench 1(B).</p> <p>As prayed for, let plain copies of this order be given to the parties.</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	