

**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 86 of 2018.**

**ANIRBAN BAIDYA – 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>10</p> <hr/> <p>10.7.2019.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate.</p> <p>For the State Respondent : Mr.S. Ghosh, Advocate.</p> <p>In this application the applicant has challenged the letter dated 11<sup>th</sup> September, 2017 terminating his recruitment to the post of Medical Technologist (Lab) Grade-III. Challenge has also been made to the order dated 27<sup>th</sup> December, 2017 passed by the Director of Health Services, West Bengal communicated by letter dated 2<sup>nd</sup> January, 2018.</p> <p>Heard Mr. G.P. Banerjee, learned advocate for the applicant and Mr. S. Ghosh, learned advocate for the State respondent.</p> <p>The essential qualification for the post of Medical Technologist is as under :-</p> <p>“.....Passed Higher Secondary (10+2) Examination or its equivalent with Physics, Chemistry and Biology and a two year diploma course in Laboratory Technologist recognized in the Government of West Bengal.</p> <p>OR</p> <p>One year diploma course in Laboratory</p>	

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	<p>Technology from any University/Institution recognized by the Government of West Bengal; where basic qualification for undergoing the said course is B.Sc”.</p> <p>After passing Madhyamik Examination in 2001 the applicant passed Diploma on Medical Laboratory Technology. During training the applicant studied Applied Mathematics, Applied Chemistry, Applied Physics, which is not equivalent to Higher Secondary. It was clearly mentioned in the advertisement that the examination, interview would be provisional subject to determination of his eligibility and if the candidate at any stage was found ineligible, his candidature would be cancelled. Since during training the subject of studies were not equivalent to Higher Secondary and he did not avail himself of two year diploma course in Laboratory Technologist recognised by the Government of West Bengal or one year diploma course from any university/Institution recognised by the Government of West Bengal, where basic qualification is Bachelor of Science, we find that the order of termination cannot be</p>	

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Skg.	<p>interfered with. Hence, no order is passed on this application. The application is dismissed.</p> <p>(P. Ramesh Kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	