

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. OA – 310 of 2022**

**Sukanta Saha - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. Rajlakshmi Ghatak, Learned Advocate
<u>03</u> 10.06.2025	For the Respondents	: Mr. S. Ghosh, Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Applicant has filed this application praying for setting aside the Notification dated 7<sup>th</sup> January, 2022. By this Notification, the Department of Health and Family Welfare provisionally appointed 237 candidates to the post of Homoeopathic Medical Officer. The recommended candidates had participated and were successful in the recruitment process conducted by the West Bengal Health Recruitment Board by its advertisement No. 78/2019. The applicant had also participated but was not successful and his name was not recommended. Reply to a RTI query under the RTI Act shows that he obtained '0' marks for 'Other experience'. In the advertisement, 5 marks were shown to be given to those candidates who have other experiences in Homoeopathy from any Government Institution or Government affiliated organisation. Submission of Mrs. Ghatak, learned counsel for the applicant is that despite the applicant having valid experience he was not given the 5 marks which he deserved. A copy of such experience certificate dated 08.12.2020 is enclosed in this application.

Responding to the submission of the applicant, Mr. Ghosh, learned counsel for the State respondent has submitted that such an experience referred to by the applicant is for a teacher. Further, Mr. Ghosh also submits that such an experience certificate which was required to be uploaded by the applicant was not uploaded in the portal. Therefore, the question of allotting 5 marks for such experience does not arise due to the failure of the applicant to upload the experience certificate. Mr. Ghosh also pointed out that the advertisement was published on 20.12.2019 whereas the purported certificate as shown by the applicant is dated 08.12.2020. Therefore, it can be clearly established that such a certificate which was not only uploaded but was also issued to

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him after the last date for uploading.

Having heard the submissions and after proper examination of the documents, the Tribunal has come to the conclusion that the respondent authority was correct in taking the decision that the applicant did not deserve to be allotted 5 marks for 'Other experience'. It clearly satisfies the Tribunal that not only the certificate was issued after the last date of uploading, but no evidence has been presented by the applicant to prove that it was uploaded in the portal within the time frame. Thus, finding no merit in the prayers, this application is disposed of without any orders.

**SAYEED AHMED BABA**  
**OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P.