

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. – OA 69 of 2020**

**Dr. Rajarshi Chaudhuri & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	: Mr. S. Mustaphi, Advocate.
<u>07</u> 22.03.2021	For the State Respondent	: Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates.
	For the Private respondent nos. 8 & 9	: Mr. S. Ghosh, Mr. M.N. Roy, Advocates.

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, the applicants, who are working as Senior Ayurvedic Medical Officers on contractual basis pursuant to the order dated 26<sup>th</sup> February, 2013, have prayed for certain directions on the respondents, the relevant portion of which is as under :

*“.....(a) An Order or Direction do issue directing the Respondents to consider the case of the applicants for appointment for the post of Senior Ayurvedic Medical Officer.*

*(b) An Order or Direction to issue directing the Respondents to consider the case of the applicants and appoint them in the Post of Senior Ayurvedic Medical Officer.*

*(c) An order or Direction do issue directing the Respondents to reconsider the Select List for the Post of Senior Ayurvedic Medical Officer since same was published without following the guide Line / Instruction / Rule (Annexure – O and after considering the same, publish fresh Select List for the Post of Ayurvedic Medical Officer.....”*

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It is submitted by Mr. S. Mustaphi, learned advocate as the applicants have the necessary qualifications for being promoted to the post of Senior Ayurvedic Medical Officer permanently and as written representations have been made for regularising them, appropriate order, as prayed for, may be passed.

Mr. G.P. Banerjee, learned advocate for the State respondents submits on instruction that since the private respondents have been appointed, no order may be passed.

Mr. S. Ghosh, learned advocate appearing along with Mr. M.N. Roy, learned advocate submits since the private respondents nos. 8 & 9 have been appointed as Senior Ayurvedic Medical Officers pursuant to the advertisement issued by the West Bengal Health Recruitment Board, appearing at pages 28 and 29 of the application, no order may be passed.

Having heard the learned advocates for the parties, since it is submitted that the applicants, who have been appointed under contract as Senior Ayurvedic Medical Officers by order dated 26<sup>th</sup> February, 2013, have furnished representations for reconsideration of their case for being appointed as Senior Ayurvedic Medical Officer permanently, considering such facts, the application is disposed of by granting liberty to each of the applicants to file written representations afresh before the West Bengal Health Recruitment Board, the respondent no. 2, within 4 weeks from the date of receiving of this order downloaded from the internet / website. If such written representations are furnished before respondent no. 2, the said respondent shall dispose of the same by

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passing orders to be communicated to the parties within 8 weeks, after giving an opportunity of hearing to the applicants as well as the private respondents nos. 7, 8 and 9 or through their authorised representatives.

(SOUMITRA PAL)  
CHAIRMAN

Rajib

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