

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 791 of 2021.

AMIT BHOWMIK & 22 OTHERS -VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicants : Mr. G.P. Banerjee,
Advocate.

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17.11.2021.

For the State Respondents : Mr. S. Ghosh,
Advocate.

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. S. Ghosh, learned advocate, who normally appears on behalf of the State respondents is requested to appear in the matter. Let a copy of the original application be served by Mr. G.P. Banerjee, learned advocate for the applicants on Mr. S. Ghosh, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Ghosh.

It is submitted by Mr. Banerjee that since for last date of registering the poston line, recruitment to the post of Medical Technologist (Lab) Grade-III is on 18th November, 2021, appropriate interim order may be passed as the applicants are contractual workers or are working as Medical Technologists in various departments. In this regard, reliance has been placed on the order delivered on 10th March, 2016 passed in WPST No. 125 of 2014 with CAN No. 2159 of 2016 (Dipak Saha & Others – Vs- The State of West Bengal & Others) and order passed on 3rd February, 2021 in OA 58 of 2021(Jishnu Bhattacharyya & Ors –Versus- The State of West Bengal & Ors) by the Tribunal.

Mr. S. Ghosh, learned advocate for the State respondents referring to the order dated 3rd March, 2016 passed in WPST No. 125 of

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2014 with CAN No. 2159 of 2016 (Dipak Saha & Others – Vs- The State of West Bengal & Others) and order passed on 3rd February, 2021 in OA 58 of 2021(Jishnu Bhattacharyya & Ors –Versus- The State of West Bengal & Ors) submits in the said matters Court had found that they were working as Medical Technologists (Lab) Grade-III. However in the instant case except Joydeep Sharma and Nimay Chandra Debnath, the applicant nos. 5 and 10 respectively as none has been able to demonstrate that they are working as Medical Technologists, no order may be passed.

Heard learned advocates for the parties.

Since it appears that the applicant nos. 5 and 10 are working as Medical Technologists, and in view of the order dated 10th March, 2016 passed in Dipak Saha (supra) and on 3rd February, 2021 Jishnu Bhattacharyya (supra) and since the last date for submission of on line application for the post of Medical Technologist (Lab) Grade-III in the West Bengal Health Service is 18th November, 2021, in our view, a prima facie case has been made out for passing an interim order for applicant nos. 5 and 10. Therefore let there be an interim order directing the respondent to allow the applicant Nos. 5 and 10 to submit their application for the post of Medical Technologists (Lab) Grade-III in the West Bengal Health Services in hard copy format without prejudice the rights and contention of the parties and subject to the final order that may be passed. It is made clear that all other required eligibility criteria must be fulfilled by the applicant before admit cards are issued to them. If the selection process as indicated is undertaken, the applicant nos. 5 and 10 will be allowed to participate. However, the mark sheets and the answer scripts of the applicant nos. 5 and 10 shall be kept in a sealed cover and the result of the applicant nos. 5 and 10 shall not be published

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without the leave of the Tribunal. It is made clear that this order shall not create any equity with the applicant nos. 5 and 10.

Let reply be filed by 28th January, 2022. Rejoinder, if any, by 23rd February, 2022. Let the matter appear under the heading “Reply/Rejoinder and Objection” on 2nd March, 2022.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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