

**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-656 of 2024**

**Dr. Arindam Ghosh.-- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant

: Mr. B. K. Dey,  
Mr. S. Dasgupta,  
Learned counsels.

03  
02.04.2025

For the State Respondents

: Mr. D. Kole,  
Learned counsel.

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

The applicant has filed this application praying for setting aside the Notification No. 332-2023 dated 05.03.2024. This notification issued by the Health and Family Welfare Department appointed 51 doctors in different disciplines after their names were recommended by the West Bengal Health Recruitment Board which had conducted the selection process.

Mr. Dey, learned counsel for the applicant referred to two copies of the relevant documents in this application, in particular, a panel list of unreserved (UR) candidates issued by the Board on 22.12.2022 in which names of Dr. Sandipan Hazra having scored total 72.40 marks and Dr. Ishita Dey with 69.90 marks are the first two successful candidates. The next document referred to is titled as *“Overall performance of all eligible, candidates including those who are selected in this Panel”*. In this panel besides the name of Dr. Sandipan Hazra and Dr. Ishita Dey at Serial No. 1 and 2, the name of Dr. Arindam Ghosh, the applicant appears at Serial No. 3 showing 63.73 total marks obtained by him. Mr. Dey argues that Dr. Sandipan Hazra whose name appears at Serial No. 1 of the panel list did not join the post since he was given the departmental promotion to the same post in the cadre of Assistant Professor, Physical Medicine. Since Dr. Hazra did not join, therefore, the resultant vacancy occurred which entitles the

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applicant, being at Serial No. 3, the right to be recommended for appointment against such vacancy. Mr. Dey has also argued that unlike all other fields where a second panel was subsequently published by the Board, but in the field of Physical Medicine, although one vacancy had occurred due to non-joining of Dr. Sandipan Hazra, but the Board did not publish such a second panel. Had the Board published a second panel, the name of the applicant would certainly have been included and therefore, recommended for the post of Assistant Professor, Physical Medicine. Mr. Dey has also shown the RTI reply being M/273 dated 05.02.2025 in which the Assistant Director of Medical Education and SPIO confirms that one post of Assistant Professor in Physical Medicine and Rehabilitation remains vacant.

Appearing on behalf of the respondent authorities, Mr. Kole, learned counsel has argued that there were only two vacancies under Physical Medicine for the UR candidates. Both these vacancies have already been filled up on 22.12.2022 by the two successful candidates, namely Dr. Sandipan Hazra and Dr. Ishita Dey. Therefore, the question of vacancy in this field does not arise. Mr. Kole points out that when the second panel in other fields were published on 19.04.2022, at that point of time Dr. Sandipan Hazra had not furnished any representation stating that he is not joining the post of Assistant Professor, Physical Medicine. His representation stating about his promotion is a later incidence dated 08.09.2023. Therefore, the question of second panel in the field of Physical Medicine did not arise at that point of time.

From the above submissions and after examinations of the records, the Tribunal finds the following issues are necessary to be responded from the respondent authority's side :-

1. Whether a vacancy in the post of Assistant Professor, Physical Medicine had occurred and it still exists today due to non-joining

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of Dr. Sandipan Hazra ?

2. If such a vacancy still exists then what measures have been taken by the respondent authorities to fill it ?
3. If such vacancy still continues to exist today then has the Board considered the representation of the applicant filed before the Chairman of the Board on 29.09.2023 requesting he may be recommended for the post of Assistant Professor, Physical Medicine against the vacancy created by non-joining of Dr. Sandipan Hazra ?

Let the above three issues be responded by the West Bengal Health Recruitment Board in the form of a reply to be filed before the Tribunal on the next date.

Let the matter appear under the heading "For Orders" on 03.07.2025.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.