

**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 97 of 2019.

**SUBHENDU GHOSH –Versus- THE STATE OF W.B. & 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>3 3.4.2019.</p>	<p>For the Applicant : Mrs. S. Mitra , Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>In this application the applicant, who had applied for the post of Medical Technologist, Grade –III under the Department of Health, Government of West Bengal, has prayed for a direction upon the respondents to allow him to join the post since he was a successful candidate. It appears that the applicant had participated in the selection process. The final merit list was published in the website on 11<sup>th</sup> April, 2017. He was successful, as his name was against serial No. 762 as evident from paragraph 6(d) of the original application. The applicant has admitted that he was not aware when the panel was published and as a result, he could not join the service. After being aware of the fact that he was successful on 30<sup>th</sup> October, 2018, that is after about eighteen months, the applicant filed a representation before the Director of Health Service praying for appointment.</p> <p>The question is the applicant, being successful, whether he is entitled to the reliefs as prayed for. In this</p>	

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	<p>regard, it is appropriate to set out the relevant portion of the order dated 11<sup>th</sup> April, 2017, which are as under :-</p> <p style="padding-left: 40px;"><i>“...6. The candidates should join within 21(twenty one) days from date of issuance of this order, otherwise the offer of appointment shall be treated as cancelled.</i></p> <p style="padding-left: 40px;"><i>7. The candidates should download the appointment letter from departmental website and report to duties to the Chief Medical Officer of Health of respective district or to the Principal/Medical Superintendant Cum Vice Principal of the Medical College &amp; Hospitals/Teaching Hospitals or to the Superintendent of the Decentralized Hospitals first as the case may be....”.</i></p> <p>Mrs. Mitra, learned advocate for the applicant submits that as it is a mercy petition, the respondent authorities may be directed to consider the matter.</p> <p>Mr. G.P. Banerjee, learned advocate appearing for the State respondents submits that though the applicant was successful, however for his own laches, as he did not join within the time as prescribed after complying the formalities as mentioned in the order</p>	

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Skg.	<p>contained in the memo dated 11<sup>th</sup> April, 2017, and since the subsequent recruitment process has begun, no order may be passed.</p> <p style="text-align: center;">Heard learned advocate for the parties.</p> <p>Admittedly the result was published in the website on 11<sup>th</sup> April, 2017. The applicant was successful. However, as he was not aware when the panel was published, he did not join. After about eighteen months, he filed a representation before the authorities praying to join the post. Since the applicant did not join within the stipulated time as contained in the order dated 11<sup>th</sup> April, 2017, no order is passed in this application. The application is disposed of.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	