

26.
22.09.2022.
Ct. No. 21.
F.B.

WPA 21119 of 2022

Arbish Praveen
-Vs.-
The State of West Bengal & Ors.

Mr. Tarique Quasimuddin,
Ms. Zainab Tahur
..... For the Petitioner.

Mr. Swapan Kumar Datta,
Mr. Dipankar Dasgupta
..... For the State.

Affidavit-of-service filed in Court today be retained with the record.

In this writ petition the writ petitioner prays for consideration of her written representation dated August 24, 2022, written to the Secretary and Controller of Examinations, West Bengal Health Recruitment Board and also the Chairman, West Bengal Health Recruitment Board.

Mr. Quasimuddin, Learned Counsel appearing on behalf of the writ petitioner, submits that a mistake has been made by the West Bengal Health Recruitment Board while issuing the interview call letter, wherein her percentage of marks was wrongly described as 62.87 % instead of 65%. Furthermore, in the panel of

1538 candidates published by the Health Recruitment Board, her position was 980 and her percentage was mentioned as 60.00 instead of 65%.

The final panel for unreserved candidates was declared online on July 20, 2022 and her name was not included in the said panel whereas names of candidates who scored 64% were included in the said panel. He submits that it is a simple arithmetical error that was made on the part of the authorities concerned.

Mr. Datta, Learned Additional Government Pleader appearing on behalf of the State respondent, submits that the writ petition is not maintainable since it involves the recruitment process of the candidate and the subject matter of challenge should have been before the State Administrative Tribunal.

He further submits that the recruitment relates to civil post under Article 311 of the Constitution of India.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that since the representation of the petitioner dated August 24, 2022 has not yet been considered, the same should be done by the authorities concerned. The writ petitioner is entitled to a hearing following the principles of Natural Justice.

Let such representation be considered by the concerned authority, i.e the respondent no. 3 within six weeks from date upon a personal hearing being given to the writ petitioner. A reasoned order be communicated to the writ petitioner within one week of passing of the same.

In the event, any adverse order is passed against the writ petitioner, she may proceed in accordance with law before the appropriate forum.

Since no affidavits have been called for in this writ petition, all allegations contained therein are deemed not to have admitted.

With the aforesaid directions, the writ petition being **WPA 21119 of 2022** is **disposed of**.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)