

**23.11.2023**  
**Item No.59**  
**Court No.1**  
**CHC**

*Calcutta High Court*  
*In The Circuit Bench at Jalpaiguri*  
*Appellate Side*

***WP.ST 3 of 2022***

***Prasanta Ray***  
***Vs.***  
***The State of West Bengal & ors.***

*Mr. Pappu Adhikari, Advocate*  
*Mr. Debajit Kundu, Advocate*  
*... .. For the **petitioner***

***Mr. Pretom Das***  
***... ..For the State***

The writ petition is directed against an order dated February 18, 2022, passed by the West Bengal Administrative Tribunal in O.A.1007 of 2017.

By the impugned order, the Tribunal dismissed the Original Application of the writ petitioner.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner participated in a selection process initiated by an advertisement.

The writ petitioner participated for the post of X-ray technician. He draws the attention of the

Court to the qualification prescribed. He submits that the qualification required was High Secondary (10+2)/equivalent of science stream with training in carrying out in handling X-ray/USG machines. He submits that, the educational qualification was never doubted. The writ petitioner possessed requisite training as appearing from the engagement of the writ petitioner with the Cooch Behar Cancer Centre. The writ petitioner was carrying out X-ray and handling USG machine there. He submits that writ petitioner was dismissed from service without hearing and arbitrarily. The Tribunal did not consider the essential documents and returned an erroneous finding. He submits that, the certificate which was referred to in the impugned order, was not a relevant qualification or an essential qualification. Therefore, the termination of service of the writ petitioner was erroneous, by the authorities. The Tribunal erred in not setting aside the order of termination.

State is represented.

The writ petitioner participated in the selection process initiated by the West Bengal Health Systems Development Project, Government of West Bengal by a notification which is annexed at pages 75 and 76 of the writ petition. The writ petitioner participated for the post of X-ray technician. The qualification prescribed for X-ray technician is as follows:

*"Qun: H.S. (10+2)/equiv. in Science stream with training in carrying out X-Rays and handling X-Ray/USG machines."*

In the selection process, the writ petitioner relied upon a certificate issued by Carmel Society of India dated May 15, 1990. Intelligence Bureau of the State of West Bengal undertook verification role of the writ petitioner and despite their best effort they were not in a position to find Carmel Medical Institute at Ernakulam under Carmel Medical Society of India.

The Intelligence Bureau was of the view that there was no existence of such institute at any point of time. The authority thereafter, proceeded to terminate the service of the writ petitioner on the basis that, the certificate relied upon by the writ petitioner remained unsubstantiated.

The qualification required for the post is H.S or equivalent any science stream with training in carrying out X-Ray machine and handling USG machines. There is no documents on record to substantiate that the writ petitioner undertook any training in carrying out handling of X-Ray/USG machines.

The earlier employment of the writ petitioner, on which, the writ petitioner relies upon, cannot be construed to be a training in carrying out handling of X-Ray/USG machines as required in the selection process.

The certificate which the writ petitioner relied upon during the selection process was found to be from a nonexistent institute.

In such circumstances, the service of the writ petitioner was correctly terminated by the authority.

We find no material irregularity in either the action of the authority or in the impugned order

warranting interference under Article 226 of the Constitution of India.

WP.ST 3 of 2022 is dismissed without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**