

W.P.S.T. 155 of 2025

Md. Albert Mollick
Vs.
The State of West Bengal & Ors.

Mr. Debashis Banerjee,
Mr. Rakesh Jana

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Biswanath Samanta

...for the State

1. Heard the learned counsel for the petitioner and the learned State counsel.
2. The present petitioner participated in a recruitment process for the post of Homeopathic Medical Officer under the West Bengal Homeopathic Health Service conducted by the West Bengal Health Recruitment Board. The application was required to be made online which the petitioner has submitted within the stipulated time frame. The last date for submission of application form was 02.01.2025. The petitioner thereafter was shown as a disapproved candidate on a ground that a Chance Certificate was submitted by him which was said to be issued after the last date for submission.
3. The petitioner, thus, approached the West Bengal Administrative Tribunal (in short 'S.A.T.') by filing O.A. No. 596 of 2024. The S.A.T. found that the

petitioner had completed his BHMS within the four years period duration of the course. Since he had not availed any further chance, the S.A.T. found that the requirement of submitting a Chance Certificate itself was unfounded in case of the petitioner. The S.A.T., therefore, proceeded to grant the petitioner relief holding that the petitioner could not have been held to be a rejected candidate for submission of a Chance Certificate, which he was not required to submit. The S.A.T. moulded the relief in favour of the petitioner and he has been allowed to participate in the process, and he has appeared for the interview.

4. It is the petitioner's case that in view of the above noted developments his candidature became "approved". Then only he realised that website of the Board was showing that he had not submitted a House Staffship Certificate.
5. The petitioner then made a representation to the Secretary & Controller of Examination of the West Bengal Health Recruitment Board raising an issue that the House Staffship Certificate was not reflected on the website probably because of a server error. The petitioner sought permission to submit the Certificate, which is of a date prior to last date for submission of an application in

response to the advertisement. The petitioner thus filed O.A. No. 18 of 2025, before the SAT seeking issuance of a direction to the respondent authorities to allow him to submit the House Staffship Certificate physically.

6. In the proceeding before the S.A.T., the Board took a stand that petitioner's representation was rejected relying upon para 8 at page 9 of the advertisement.
7. Rejection was quoted in the report submitted by the Board before the S.A.T. in O.A. No. 18 of 2025, in the following terms:

“It is to be noted here that para 8 of Page 9 of aforesaid advertisement clearly state ***“Candidates are requested to be careful while filling in the information and uploading the documents. As the entire process is software based, sending documents through email or hardcopies cannot be uploaded. Hence such request cannot be entertained”.***”

8. The learned counsel for the petitioner submits that since earlier petitioner's candidature was not shown as an approved candidate, there was no occasion for him to seek any permission for submitting House Staffship Certificate. Only when he has been shown as an approved candidate did he realise that the House Staffship Certificate was not submitted by him at the time of making online

application. He submits that the lapse is a technical lapse because of a server error, for which the petitioner cannot be held liable/responsible.

9. We are unable to accept such submission as the petitioner's online application was submitted on 18.03.2024 and immediately after submission of online form on 18.03.2024 itself, print out was available for the petitioner. A copy of the print out is enclosed (page 87 and 88 of writ petition). The print does not reflect uploading of a House Staffship Certificate. It only reflects uploading of one document, being Clinical Experience Certificate for 5 years and 2 months. The petitioner immediately after submission of application form was thus conscious of the fact that House Staffship Certificate has not been uploaded and it was open to him to take steps in this regard by raising grievance at that stage, which he has chosen not to do. A grievance in this regard has been raised much later.
10. In the above noted facts and circumstances, fact that earlier, petitioner was shown as a rejected candidate does not inure to the petitioner's benefit. The petitioner was required to raise an objection or grievance of the House Staffship Certificate not being shown in the print out of the

online application form, diligently and immediately after submission of online application when the print out was available. The petitioner, however, has raised no grievance in this regard since the date of submission of online application (18.03.2024). For the first time he has raised a grievance in this regard on 23.12.2024, about 10 months later.

11. In the above circumstance, we are not inclined to allow any such opportunity to the petitioner, moreso in view of the specific stipulation contained in paragraph 8 at page 9 of the advertisement, extracted above.
12. Allowing the petitioner an opportunity to submit a House Staffship Certificate, physically, contrary to the terms of advertisement would give the petitioner an additional 5 marks advantage over other candidates who have diligently participated in the recruitment process and submitted the certificate/documents online and on time, which cannot be countenanced.
13. The S.A.T. has rightly concluded that petitioner has failed to upload the document in terms of the advertisement and thus cannot be permitted to do so now.
14. We do not find any infirmity in the order dated 19.06.2025 passed by the S.A.T. in O.A. No. 18 of

2025 requiring interference in exercise of judicial review under Article 226 of the Constitution of India.

15. The Writ Petition being **W.P.S.T. No. 155 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)