

03.09.2025
Ct. No.4
Supp. Sl. No.1
akd

W. P. S. T. 187 of 2025

[Achintya Modak -Vs- The State of West Bengal & Ors.]

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Ms. Srinjini Chakrabarti
... ... for the petitioner

Mr. Amal Kumar Sen .. Id. A.A.G.
Mr. Amitabha Choudhury
Mr. Amadipta Sengupta
... ... for the State

1. Affidavit-of-service filed today in Court is taken on record.
2. The writ petitioner is the applicant before the Tribunal. He was desirous of participating in a recruitment process pursuant to an advertisement bearing No. R/MT(VARIOUS)/02/2021. The petitioner participated for the post of Medical Technologist (Grade-III). He has submitted a Diploma in Medical Laboratory Technology issued by the West Bengal State Council of Technical Education in support of his eligibility in terms of the advertisement. The authorities however, have found the certificate and qualification of the petitioner to be not meeting the requirement of the advertisement and rejected his candidature, rejection being uploaded on the *website* of the West Bengal Health Recruitment Board.
3. It is under such circumstance that the petitioner has approached the West Bengal Administrative Tribunal (*in short 'Tribunal'*) by filing an Original Application. On 01.09.2025, the Original Application being O.A. 490 of 2025, filed by the writ petitioner was taken up wherein the petitioner made a prayer for allowing him to participate in the recruitment process. The

Tribunal has admitted the Original Application and given a date for hearing on 20.11.2025.

4. Under such circumstance, the writ petitioner made a motion today in the morning for taking up the matter, as tomorrow is the date fixed for scrutiny by way of an interview of the candidates appearing in the recruitment process. Since the Tribunal has not passed any interim order safeguarding the candidature of the petitioner during pendency of the Original Application, he is likely to suffer in the event he is not permitted to participate in the interview scheduled for tomorrow.

5. We have fixed the matter today at 1.00 P.M. and requested the learned Additional Advocate General, Mr. Amal Kumar Sen, to take necessary instructions. Despite best efforts, he has been instructed to take some time so as to verify the acceptability of the certificate relied upon by the petitioner.

6. In view of such stand taken by the State, we consider it appropriate that pending such verification of the validity of the petitioner's certificate in terms of the eligibility for the recruitment process, it is in the interest of justice and to safeguard the petitioner's opportunity that he be permitted to participate in the recruitment process. The participation would however, be subject to the final decision which the authorities would take in this regard, as also the pending Original Application before the Tribunal.

7. The writ petition is accordingly, disposed of.

8. All parties are directed to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)