

W.P.S.T. 64 of 2026

**Dr. Shubhrangshu Dutta
Versus
The State of West Bengal & Ors.**

Dr. Chapales Bandyopadhyay,
Dr. Gargy Basu,
Ms. Anandamayee Dutta

...for the Petitioner

Mr. Tapan Kumar Mukherjee, ld. A.G.P.,
Mr. Somnath Naskar

...for the State

Mr. D. N. Maiti,
Mr. A. Santra

...for the Respondent Nos.7-9/WBUHS

1. Heard the learned advocate for the applicant/writ petitioner and the learned A.G.P. appearing for the State.
2. The writ petitioner participated in a recruitment process initiated vide an Advertisement No.:R/DSTD/54(1)/2018 for appointment to the post of Dental Surgeon-cum-Clinical Tutor/Demonstrator in West Bengal Dental Education Service. The controversy arose since the petitioner claims that he was wrongly deprived one (1) mark, per year for his teaching experience, which according to him, he possessed but has not been considered by the recruitment body. Had the same been taken into consideration, the petitioner would have got 5 additional marks.
3. The relevant provision in the advertisement governing the grant of marks for working experience reads:

*“**Please note that candidates must upload scanned photo, signature, caste certificate (if any) & all testimonials (mark sheets) & experience certificates, and front page of publication/s, if any, (scanned copy of originals) at the time of filling up the application forms.*

Distribution of Marks for recruitment to the posts of Dental Surgeon cum Tutor Demonstrator:

a. BDS – 25

b. MDS – 35

c. Addl. Marks – 1 for marks 51% to 55% [0.51 to be rounded to 1] and so on - 10 (maximum)

d. Working Experience as Teacher in Govt. Sector in West Bengal – 05(maximum)(1/year)

*e. Publications – 10(maximum)
(2/Publication)*

f. Interview – 15

Based upon the list thus prepared on the distribution pattern of marks, five (05) times of the declared no. of vacancies (reservation category wise) will be called for interview.”

4. It is submitted by the learned advocate for the writ petitioner that the petitioner has worked in the North Bengal Dental College & Hospital at Sushrut Nagar, Darjeeling. He submits that his working as a teacher in the hospital is duly certified by the Principal of the College by a certificate dated 30.10.2018. He, therefore, submits that he has wrongly been deprived of the benefit of marks for the teaching experience.

5. In support of his submission, he has also relied upon the reply filed by the Dental Council of India in the O.A. before the West Bengal Administrative Tribunal ('Tribunal' for short). He has laid great emphasis on paragraph 26 of the affidavit, which reads:

“26. That as far as DCI is concerned it is respectfully submitted that the DCI's inspectors have carried inspection in the year 2014, wherein the applicant herein on affidavit dated 27.10.2014 have stated to have been working as a Lecturer (Full Time) at North Bengal Dental College and Hospital from 11.12.2013 till the date of Inspection.”

6. It is, therefore, submitted that the petitioner had the requisite teaching experience for grant of additional marks in terms of the above noted clause in the advertisement which could not be denied to him. Such denial is unsustainable in view of the recent Judgement of the Apex Court in the case of **Chaudhary Charan Singh Haryana Agricultural University, Hisar & Anr. Vs. Monika & Ors.** reported in **2024 SCC OnLine SC 3540**.
7. The learned A.G.P. on the other hand submits that the State took a specific stand in the affidavit filed before the Tribunal that for grant of additional marks under the heading 'Experience', a certificate was required to be furnished at the time of uploading the application. It is nobody's

case that the petitioner uploaded any certificate. If at all, the petitioner discharged any teaching work in the College, it was by way of a local arrangement without any Government order/circular/recommendation from the administrative branch at Swasthya Bhawan. Apparently, because of the nature of work claimed to have been discharged, he has not been issued a certificate of experience. There being no certificate of experience, there was no question of uploading the same at the time of online application. The petitioner's claim is for experience which is not certified and no certificate in this regard submitted at the time of online application. Having regard to the nature of work that he claims to have rendered on a teaching post, he is not entitled to any additional marks.

8. We have considered the rival submissions.
9. The learned advocate for the petitioner heavily relied upon the certificate dated 30th October, 2018. The same is issued by a Principal of the College which shows that he has taken a few theory classes in the years 2014, 2015 and 2016, i.e. 15, 18 and 13, classes respectively. He has also discharged some work as a Clinical Demonstrator on some days which are also certified by the Principal. There is no material to show that the petitioner was ever appointed as a

teacher in the College, or that he was regularly discharging teaching work throughout the period. There is no certification in this regard. The certificate relied upon by the petitioner in this proceeding, even if, accepted to be true and reliable, merely certifies that he has taken certain theory classes and demonstration on few days in these three years. It is not in dispute that the work was discharged by way of a local arrangement. There is no Government order from the administrative branch at Swasthya Bhawan from which it can be said that the work discharged by him on these particular days were as a confirmed teacher and that based on such experience, a certificate can be issued. The admitted position is that there is no such certification issued by any competent authority in petitioner's favour. The petitioner does not possess the experience, and a certificate of experience for grant of additional marks for teaching experience. The petitioner, therefore, did not submit the certificate of experience, which was a mandatory pre-requisite for award of marks under the heading "work experience".

10. Insofar as the affidavit filed by the Dental Council of India, we find that the same states that the petitioner submitted an affidavit that he was a full time lecturer in the College. The affidavit referred

to in the paragraph is submitted by the petitioner himself. Such self-serving affidavit referred to in a reply by the Dental Council of India cannot improve the petitioner's case. The fact remains that he neither served as a full time confirmed teacher; nor there is any certification, which was ever submitted by him at the time of online application to claim marks for experience.

11. Insofar as the decision in the case of ***Chaudhary Charan Singh Haryana Agricultural University*** (*supra*), we find that the petitioner's reliance on the Judgement to be thoroughly misplaced. The Judgement was rendered in correlation to the distinguishable facts arising for consideration therein, where though the writ petitioner had discharged duties on a Group-D post through an agency which was outsourced the duties, there was a policy decision to certify such experience. The certification was by the competent authority. Despite such policy decision and certificate pursuant to the policy, the certificate issued in favour of the writ petitioner therein was not being considered by the recruitment body. The Apex Court further took notice of the fact that the advertisement also did not prescribe without ambiguity that such certificate could not be accepted and, therefore, held that the writ petitioner therein was rightly allowed the benefit

of certificates, by the Single Judge as well as Division Bench of the High Court. The Judgement does not inure to the petitioner's benefit herein. In the present case, admittedly there is no certification in petitioner's favour.

12. For the above reasons, and in view of our above consideration, we find no reason to interfere with the order dated 04.09.2025 passed by the Tribunal in O.A. No. 1022 of 2019 rejecting the petitioner's claim.

13. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)