

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)****Case No – O.A. 847 of 2019****Dr. Chirasree Sanyal Vs The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">5</p> <hr/> <p>21.11.2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. S. Ghosh, Advocates</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p style="text-align: center;">In this application Dr. Chirasree Sanyal, -who is at present discharging duties at Debra Super Speciality Hospital, Paschim Medinipur, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="padding-left: 40px;">“a) An order do issue thereby directing the respondent authorities to allow your applicant for pursuing the aforesaid Super Speciality Course in “Clinical Haematology”, at Medical College, Kolkata, where one vacancy has fallen vacant owing to resignation of seat by one Dr. Deep Jyoti Kalita, within a stipulated time period.</p> <p style="padding-left: 40px;">b) An order do issue directing the concerned respondent to forthwith take effective steps for publishing the resigned seat lying at Medical College, Kolkata for stray counseling so that the same can be filled by the applicant herein without causing any further delay.”</p>	

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It appears that the applicant had filled up online application for appearing in the examination for pursuing Super Speciality Course in Clinical Haematology. Admit card was issued by the National Board of Examinations, NEET-SS 2019 for appearing in the examination for Super Speciality Course in Clinical Haematology scheduled to be held on 28th June, 2019. She participated in the examination and result was published wherein she scored 280 marks out of 400 and secured 57th rank. It appears that among the 56 candidates who have filled up the vacancies for the course, Deep Jyoti Kalita, ranked 20, has resigned the seat from Medical College, Kolkata. According to the applicant as the seat has fallen vacant and no steps have been taken for stray counselling, the applicant, being the first waiting list candidate, has sent e-mails to the Principal, Medical College, Kolkata, the respondent no.4 for pursuing the course. As no steps have been taken, aggrieved this application has been filed.

Mr. M.N. Roy, learned advocate for the applicant submits, as the seat has fallen vacant, under the law she is entitled to be admitted in the course.

Mr. G.P. Banerjee, learned advocate for the State respondent nos.1 to 5 submits that as the vacancy is declared by the ADG (ME), Medical Counselling Committee, New Delhi, the respondent no.6, steps could not be taken by the State authorities.

Having heard the learned advocates for the parties

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and considering the submissions of Mr. Banerjee and Mr. Roy and considering the facts and circumstances of the case, the application is disposed of by directing the Director of Medical Education and Ex-Officio Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata, the respondent no.2 to take a decision regarding the representation sent by the applicant by e-mail appearing from pages 15 to 22 of the application as soon as vacancy is declared and it shall be communicated to the applicant within a week from the date of declaring such vacancy.

(P. Ramesh Kumar)
MEMBER (A)

(Soumitra Pal)
CHAIRMAN