

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 253 of 2024

Dr. Madhumita Mondal - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|---------------|---------------------|----------------------|
| Serial No. | For the Applicant | : Mr. S. Ghosh, |
| and | | Ms. S. Das, |
| Date of order | | Advocates |
| <u>1</u> | | |
| 20.05.2024 | For the Respondents | : Mr. G.P. Banerjee, |
| | | Advocate |

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept in record.

The relief sought for is a direction to the respondent authority to issue 'No Objection Certificate' in favour of the applicant. The applicant desires to participate in an interview for the post of Assistant Professor of Pathology at Banaras Hindu University, Varanasi, Uttar Pradesh.

From the submissions of Mr. Ghosh, it appears that the applicant has already applied for the same post, however, unless the N.O.C. is submitted, she will not be invited for the interview. As submitted, the interview will take place sometime end of May, 2024. Mr. Ghosh also relies on an order passed by the Hon'ble High Court in W.P.S.T. No. 137 of 2023 in a matter relating to Dr. G. R. Chowdhury –vs- State of West Bengal and Others. From the copy of the order, the Hon'ble High Court had directed the respondent authorities to issue the 'No Objection Certificate'.

Mr. Banerjee submits that if any direction is given, the same will be complied as per rules. Mr. Banerjee further submits that the respondent authority needs to check whether the applicant is similar circumstanced as the petitioners in W.P.S.T 137 of 2023 with W.P.S.T. 127 of 2023 or not.

Having heard the submissions of the learned counsels, this application is disposed of by directing the respondent No. 3, Director of Medical Education to examine the

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relevance of the order passed in W.P.S.T. 137 of 2023 and 127 of 2023 and if it appears that this applicant is similar circumstanced, necessary order may be passed accordingly within three weeks from the date of communication of this order.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P