

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-139 of 2023

Dr. Debesh Nath VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. G.P. Banerjee,
Learned Advocate .

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23.03.2023 For the State Respondents : Mr. S. Ghosh,
Learned Advocate.

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

On consent of the learned counsels for the contesting parties the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent to extend the benefit of "Trainee Reserve" facility in favour of the applicant who wants to pursue MS (Obstetrics and Gynecology) at Malda Medical College and Hospital for the session 2022-2025. In this regard, the applicant has submitted Trainee Reserve application before the respondent, Director of Health Services on 21.02.2022. Submission of Mr. Banerjee is that the respondent has not acted upon the representation of the applicant; therefore, direction may be given to expedite the granting of Trainee Reserve. Since the applicant has already paid the fees and the classes are going to start soon, submission is that direction may be given to expedite granting of Trainee Reserve at the earliest.

Appearing on behalf of the state respondent Mr.

Ghosh submits that as instructed by the department, the applicant's vigilance clearance is required to be cleared first. It is submitted that on charges of some mis-appropriation of govt. fund and misuse of govt. vehicle, the department will soon frame charges against the applicant by way of a departmental proceeding. Mr. Ghosh submits since his vigilance is not cleared, the question of granting Trainee Reserve is not permissible under the rules.

In response Mr. Banerjee relies on a Apex Court judgement reported in (1991) 4 SCC 109 (Union of India Vs. K.V. Jankiraman).

After considering the submissions and records presented by both the sides, the case is disposed of by directing the Respondent No. 2, Director of Health Services, Department of Health & Family Welfare to consider the representation earlier filed by the applicant for granting Trainee Reserve in the light of Supreme Court Judgement in Union of India Vs. K.V. Jankiraman and also in OA -787 of 2022 passed by this Tribunal on 19.01.2023 in the case of Dr. Suprabhat Das Vs. State of West Bengal & Ors and pass a reasoned order within a period of four weeks from the date of communication of this order.

Accordingly, OA is disposed of.

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SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)