

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 161 of 2024**

Madhumita Tung -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mr. G.P. Banerjee, Ld. Advocate.

For the State respondent : Mr. S.N. Ray, Ld. Advocate.

For the PSC, WB : Mr. Sourav Bhattacharjee, Ld. Advocate

01  
16.04.2024

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 23<sup>rd</sup> 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.

Affidavit of service filed be kept on record.

The applicant has prayed for setting aside the impugned memo. no. 303 dated 16.03.2024. By this memo. under challenge, the respondent authority has cancelled the applicant's employment in the post of Assistant Professor on the ground that she has been certified for having 30% disability. Such certification has been given by the Central Medical Board.

Mr. Banerjee, learned counsel for the applicant submits that though she was appointed to the post by a Notification dated 18.02.2019, after lapse of five years such termination has been issued without offering any opportunity to the applicant. Such action on the part of the respondent was not only unfair to the applicant but also denial of natural justice.

Mr. Ray, learned counsel for the State respondents prays for accommodation to seek instructions and present relevant documents on the next date of hearing. While Mr. Ray will present the views of the respondent authority, let copies of the Medical Certificate issued by Central Medical Board, relevant Notifications mentioning the required percentage of disability for employment in Government and also any document by which it can be proved that the applicant was given opportunity of hearing before such termination was issued.

The matter is admitted.

Let the matter appear under the heading "**Hearing**" on **05.08.2024**.

Reply and rejoinder, if any, in the meantime.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**