

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 185 of 2023.

PIRUSREE CHOWDHURY & ORS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

2
26.4.2023

For the Applicants : Mr. G.P. Banerjee,
Mr. S. Chatterjee
Advocates.
For the State respondents : Mr. D. Koley,
Advocate.
For the Respondent Nos. 5 & 6 : Mrs. R. Ghosal,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to grant trainee reserve facilities to the applicants to pursue the course of GNM for the year 2022-2025. The applicants are presently holding the posts of Health Assistant (Female) and have applied and got admitted for the GNM course in different nursing institutes. Post admission, they have completed the formalities and paid the required course fees also. Submission of Mr. G.P. Banerjee, learned counsel for the applicants is that a similar matter was earlier heard by the Tribunal and an order was passed on 22nd February, 2023 in OA 44 of 2023 (Moumita Marjit & Ors – Vs- The State of West Bengal & Ors). The relevant portion of the order is as under :-

“....Therefore, based on the above observations, the Tribunal comes to the conclusion that the impugned order passed by the respondent rejecting the applications is in contravention to the Notification on Trainee Reserve and rejection on the ground of (i) shortage and (ii) likelihood of shifting – are not valid reasons supported by prevailing law. Thus, the impugned order is quashed and set aside with

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a direction to the Director of Health Services, - the respondent no. 2 to approve their TR applications for undertaking the GNM Course in the light of the said Notification HF/O/GA(NG)/303/1N-26/09 dated 8th December, 2009, if all other conditions are met by each applicant within a period of four weeks from the communication of this order ..”.

He submits that since the Tribunal has already heard similar matter and passed an order, this application may also be covered under the same orders.

Mr. D. Koley and Mrs. R. Ghosal, learned counsels appearing on behalf of the State respondents and respondent nos. 5 and 6 submit that if a direction is given similar to the order passed in OA 44 of 2023, the same will be complied and considering the fact that this Tribunal had heard and passed an Order on a similar matter earlier in OA 44 of 2023.

After hearing the learned counsels for the parties, this application is also disposed of by directing the Director of Health Services, - the respondent no. 2 to consider and pass a reasoned order in the light of Order dated 22nd February, 2023 passed by the Tribunal in OA 44 of 2023 within a period of four weeks. The Tribunal has also noted that these applicants had submitted their respective applications for TR before the respondent authority before 10.3.2023.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.