

**ORDERSHEET**  
**WESTBENGALADMINISTRATIVETRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata-700091.

**Present-**                      **The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)**  
**Case No.-OA 333 of 2024**

**Dr. Sreecheta Mukherjee --VERSUS--The State of West Bengal & Others**

Serial No.

and

Date of  
order

06

25.04.2025

For the Applicant

: Mr.M. N. Roy,  
Mr. S. Ghosh,  
Mr. G. Halder,  
Mrs. P. Sasmal,  
Advocates.

For the State Respondents

: Mrs. S. Mitra,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the impugned Memo. dated 20.03.2024 issued by the Director of Medical Education regretting the prayer for resignation from government service and to release her after accepting renewed prayer for resignation dated 27.06.2024.

The applicant working as Assistant Professor under Sarat Chandra Chattopadhyay Government Medical College & Hospital, Uluberia, Howrah had initially submitted her application for resignation on 28.02.2024 citing personal and family reasons, but, the respondent authority regretted her prayer for resignation in terms of provisions under Memo. No. 4499-F(P) dated 26.08.2016. The respondent, the Director of Medical Education records that such resignation cannot be accepted for the reason that she has rendered less than five years of continuous service.

The applicant thereafter in terms of the rejection order again joined her service as Assistant Professor in the Department of General Surgery under the respondent authorities. But, because of some unfortunate incident and also owing to her personal problems again tendered her resignation on 27.06.2024 with 15-point declaration, which is kept pending before the respondent authorities.

On perusal of the materials on record and on hearing the submissions of the learned advocates for the respective parties, it is apparent to the

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Tribunal that a similar matter was before this Hon'ble Tribunal in the matter of Dr. Mukut Mani Adhikari v. The State of West Bengal & Ors. The Tribunal in its order in OA 28 of 2021 dated 01.02.2021 had observed that the applicant was a temporary and was not on probation or was confirmed as permanent, therefore, the amended rules do not apply. The direction of the Tribunal was subsequently upheld by the Hon'ble High Court in WPST 25 of 2021. The Tribunal's observation is cited : *"Since the applicant was appointed temporarily and was not on probation or was confirmed as permanent, the amended Rules do not apply."*

In case as cited here, the resignation letter of Dr. Adhikari was rejected in view of the amendment of Sub-Rule (1) of Rule 34A of the WBSR, Part-I. The applicant in that case had not completed the mandatory period of five years of continuous service.

Similarly, in WPST-32 of 2022 arising out of Dr. Sembagamuthu Sembiah-Vs.-The State of West Bengal & Ors., the Hon'ble High Court had directed the Secretary, Department of Health & Family Welfare to release the petitioner.

In view of the observations above, the Tribunal comes to the conclusion that the impugned order passed in Memo. 734 dated 20.03.2024 rejecting the prayer of the applicant is not tenable and thus quashable and it is quashed and set aside.

As the applicant had submitted another resignation dated 27.06.2024 and the same is still pending before the authorities, the Tribunal directs the respondent no.2, the Principal Secretary, Department of Health & Family Welfare not to insist upon the earlier rejection order dated 20.03.2024 as the same is set aside hereinabove and consequent thereto issue the release order after accepting the resignation letter dated 27.06.2024 made by the applicant within 60 days from the date of presentation of a copy of this order.

The application is disposed of.

SAYEED AHMED BABA  
Officiating Chairperson & Member(A)

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