

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. – OA 34 OF 2023**

**JYOTSHNA CHAKRABORTY & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : Mr. A. Chattopadhyay,  
and Mr. G.P. Banerjee,  
Date of Mr. S. Dey,  
order Advocates

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03.02.2023 For the State Respondent : Mr. Debabrata Koley,  
No. 1 to 6 Advocate

For the Respondent No.7 : Mr. Ranjit Kumar Mondal,  
(West Bengal Health Advocate  
Recruitment Board)

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 parties, the case is taken up for consideration sitting singly.

In this application, the prayer is for modification of the advertisement No. R/Reader-Lateral, GCON/40/2022 dated 28.12.2022, which is recruitment for the post of Senior Lecturer and Reader in the Government Colleges of Nursing. The applicants are the Clinical Instructors working under different Government Nursing Colleges. The advertisements appearing at pages 39 and 48 are for Senior Lecturers and Readers in which 40% of the vacancies have been reserved for lateral induction of the nursing personnel employed under the State government as follows:

*“Method of recruitment:- .....(1) C. (2) A. (iii) By Lateral Induction from among the nursing personnel employed under this State Government in the cadre of West Bengal Nursing Service and West Bengal General Service, in health facilities and institutions other than Government*

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Form No.

**JYOTSHNA CHAKRABORTY & ORS.**

Vs.

Case No. - OA 34 OF 2023

**THE STATE OF WEST BENGAL & ORS.**

*Colleges of Nursing through the West Bengal Health  
Recruitment Board;”*

The submission of learned counsels for the applicants is that the applicants being Clinical Instructors, although working in different government nursing colleges have not been made eligible for lateral induction to this post.

Mr. Debabrata Koley, learned counsel appearing for the State respondents No.1 to 6 and Mr. Ranjit Kumar Mondal appearing for the West Bengal Recruitment Board submit that the advertisement was floated for this post in conformity with the Recruitment Rule – West Bengal State General Service (Recruitment and Promotion to teaching posts in Government Colleges of Nursing) Rules, 2013. The Rules (1) C. (2) A. (iii) and (3) A. (iii), have clearly stipulated the eligibility criteria and the method of recruitment for lateral induction. As per the Recruitment Rule, the applicants as Clinical Instructors in different Government Colleges of Nursing are not eligible for the post of Senior Lecturer and Reader through lateral induction.

Mr. Mondal submits that the Board is not empowered to go beyond the advertisement which is in conformity to the Recruitment Rule as stated above.

The learned counsels for the respondents pray for time to submit reply through an affidavit by the next date. Let the matter appear under the heading “Reply, Rejoinder and Objection” on 27.03.2023.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.