

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Justice Soumitra Pal, Chairman &  
Hon'ble Sayeed Ahmed Baba, Member (A)**

**Case No. - OA 385 of 2022**

*Dr. Arijit Das - VERSUS* – The State of West Bengal & Ors.

Serial No. and  
Date of order

03  
29.06.2022

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Mr. S. Halder,  
Advocates.

For the State Respondent : Mr. G.P. Banerjee,  
Mr. S. Ghosh,  
Advocates.

As prayed for by Mr. M.N. Roy, learned advocate appearing for the applicant leave granted to add Director of Medical Education, Department of Health & Family Welfare, Government of West Bengal as a party respondent by amending the cause title of the original application. Since Mr. G.P. Banerjee, learned advocate for the respondent nos. 1 to 5 accepts service of notice on behalf of the added respondent, no further copy of the application be served on the added respondent.

In the application, Dr. Arijit Das, the applicant has prayed for several reliefs, the relevant portion of which is as under :

*“.....(a) An order do issue directing the respondent authorities to extend the benefits of “Trainee Reserve” facility as per the West Bengal Medical Education Service, the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service (Placement of Trainee Reserve) Rules, 2015 in favour of the applicant within a stipulated time period considering the fact that the course of M.S. Ophthalmology for the session 2021-2024 has already commenced at R.G. Kar Medical College, Kolkata.*

*(b) An order do issue directing the respondent authorities to dispose of the representation dated 04.05.2022 by passing a reasoned and speaking order after giving an opportunity of personal hearing, and to communicate the decision thereof upon your applicant within a stipulated time period.....”*

It is submitted by Mr. Roy that since undisputedly, the applicant is eligible for pursuing the M.S. (Ophthalmology) course and there is no bar under the West Bengal Medical Education Service, the West Bengal Health Service and the West Bengal Public Health-cum-

**ORDER SHEET**

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Administrative Service (Placement of Trainee Reserve) Rules, 2015, the respondent may be directed to extend the benefits of Trainee Reserve facility to the applicant after considering the representation dated 4<sup>th</sup> May, 2022 appearing at page 22 of the application addressed to the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, the respondent no. 2.

Mr. Banerjee, learned advocate appearing on behalf of the State respondents submits since the applicant has been implicated in a criminal case and departmental proceedings are also continuing, no order may be passed. Moreover, under the rules, it is the discretion of the respondents to extend the benefits of the facility of Trainee Reserve to a candidate.

In reply, it is submitted by Mr. Roy that leave may be granted to file a representation ventilating the grievances of the applicant stating all facts and in that event, the respondents may be directed to consider the same expeditiously as there is nothing in the rules which debar the respondents from extending the benefits of Trainee Reserve facility to the applicant.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representations ventilating his grievances regarding alleged non-extension of the benefits of Trainee Reserve facility to him before the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, the respondent no. 2 and the Director of Medical Education, the added respondent, within a week along with a copy of this order downloaded from the website of the Tribunal. If representations are filed, the Director of Health Services and the Director of Medical Education shall dispose of the same by passing reasoned order jointly to be communicated to the parties within a fortnight after verifying the records.

CSM/SS

**SAYEED AHMED BABA**  
**MEMBER (A)**

**SOUMITRA PAL**  
**CHAIRMAN**