

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 406 of 2022

Dr. Koushik Biswas - **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Ghosh,
Mrs. S. Das,
Advocates.

03
04.07.2022

For the State Respondent : Mr. G.P. Banerjee,
Advocate.

The matter has appeared pursuant to the order dated 30th June, 2022 passed by the learned Registrar. Accordingly, supplementary cause list has been published. Let a copy of supplementary cause list be kept on record.

In this application, Dr. Koushik Biswas, the applicant, an Assistant Professor in Biochemistry at the Barasat Government Medical College has prayed for certain reliefs, the relevant portion of which is as under :

“.....(a) An order do issue directing the concerned respondent authorities to forthwith issue relieve order in favour of the applicant after accepting his resignation letter, so made by him on 24.05.2022 along with 13 point declaration and subsequent reminder letter dated 17.06.2022 before The Secretary, Department of Health & Family Welfare, Government of West Bengal as well as before The Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), along with 13 points declaration within a stipulated time period, enabling him to join in the post of “Assistant Professor” at AIIMS, Raebareli, Uttar Pradesh in the department of “Biochemistry” on or before 05.07.2022.

(b) An order do issue directing the concerned respondent authorities to forthwith issue “Relieve Order” in favour of your applicant along with all dues without causing any further delay, so as to enable your applicant to join in the post of “Assistant Professor” at AIIMS, Raebareli, Uttar Pradesh in the department of “Pathology” on or before 05.07.2022.....”

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It appears that the applicant had applied for the post of Assistant Professor in the discipline of Biochemistry in AIIMS, Raebareli, Uttar Pradesh. He has been selected and has been directed to join AIIMS within a fortnight from the date of the letter dated 23rd May, 2022, being Annexure-C to the application. It has subsequently been extended by one month. Submission is as the Director of Medical Education, Government of West Bengal, the respondent No. 2, had permitted him to appear in the selection process, as evident from the memo dated 15th February, 2022, being Annexure-B to the application, and 'No Objection' certificate was granted by the State authorities stating in the event of his selection to the post, he will be relieved from the duty to take up the post of Assistant Professor in AIIMS, Raebareli, Uttar Pradesh, appropriate order may be passed

It has been stated that though the applicant by letter dated 24th May, 2022 addressed to the Director of Medical Education submitted his resignation from the post of Assistant Professor in the Department of Biochemistry at Barasat Government Medical College along with 13 point declaration and thereafter reminder dated 17th June, 2022 was issued, those have not been considered. Aggrieved this application has been filed.

Mr. S. Ghosh, learned advocate for the applicant, has relied on the judgment passed on 18th December, 2020 in WPST 86 of 2020- Dr. Debangshu Ghosh vs. The State of West Bengal & Others in support of his submission.

Mr. G.P. Banerjee, learned advocate for the State respondents submits, if directed, the authorities will consider the matter in accordance with law.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, since the authorities of AIIMS, Raebareli has extended the

ORDER SHEET

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date for joining of the applicant to the post of Assistant Professor, considering such fact, the application is disposed of by directing the Secretary, Department of Health & Family Welfare, Government of West Bengal, the respondent No. 1 to take a decision by passing a reasoned order to be communicated to the applicant within 12th July, 2022 on the letter of resignation dated 24th May, 2022 along with the 13 point declaration and the reminder dated 17th June, 2022 after taking into consideration the 'No Objection' Certificate issued by the Director of Medical Education and after taking into consideration the judgment of the High Court passed in Dr. Debangshu Ghosh (supra) after giving an opportunity of hearing and after verifying the records.

The learned advocate for the applicant is at liberty to intimate this order downloaded from the website of the Tribunal to the respondents and the respondents including the respondent No. 1 shall act on the basis of such communication.

SAYEED AHMED BABA
MEMBER (A)

SOUMITRA PAL
CHAIRMAN

HS/SS