

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – O.A. 446 of 2022

DR. RATAN SASMAL – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No.
and
Date of order

3
21.07.2022

For the Applicant

: Mr. Dibyendra Narayan Ray,
Mr. Manujendra Narayan Ray,
Mr. Manas Dasgupta,
Mr. Sourav Halder,
Advocates

For the Respondents

: Mr. Gautam Pathak Banerjee,
Mr. Sankha Ghosh,
Advocates

For the Private Respondent
No.5

: Mr. Rishav Dutt,
Mr. Md. Zohaib Rauf,
Mr. Saurav Bhattacharjee,
Advocates

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Since even after service of notice, none had appeared on behalf of the State respondents and as the learned Registrar by order dated 20th July, 2022, requested Mr. Sankha Ghosh, learned advocate, who normally appears on behalf of the State respondents, to appear in the matter and thereafter he had appeared and today also appears on behalf of the State respondents, the learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Ghosh.

In this application, Dr. Ratan Sasmal, the applicant, has prayed for certain 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*

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Education Service, the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules, 2015 in favour of the applicant within a stipulated time period considering the fact that the course of MD (Anaesthesiology) for the session 2021-2024 has already commenced at IQ City Medical College & N.M. Hospital, Durgapur.

- (b) *An order do issue directing respondent authorities to dispose of the representation dated 5th May, 2022 (submitted on 10th May, 2022), being Annexure "W" hereto followed by representations dated 22nd June, 2022, 24th June, 2022 and lastly on 4th July, 2022, being collectively Annexure "X" hereto 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. Manujendra Narayan Ray, learned advocate for the applicant that since the applicant has fulfilled the criteria for getting the benefits of "Trainee Reserve" facility as per West Bengal Medical Education Service, West Bengal Health Service and West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules, 2015 and as the applicant has taken admission in the course of MD (Anaesthesiology) for the session 2021-2024 at IQ City Medical College & N.M. Hospital, Durgapur and as he has, by representations dated 5th May, 2022, 22nd June, 2022, 24th June, 2022 and 4th July, 2022, has prayed for permission to pursue the post graduate

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course under “Trainee Reserve” facility, the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, the respondent no.2 may be directed to issue necessary orders granting the “Trainee Reserve” facility to the applicant after considering the said representations.

Mr. Gautam Pathak Banerjee, learned advocate for the State respondents submits that since certain enquiries are being conducted against the applicant in three cases, as evident from pages 73 and 74 of the application, and as Rule 9 of the West Bengal Medical Education Service, West Bengal Health Service and West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules, 2015 grants discretion to the Department of Health and Family Welfare for placement of trainee reserve and he has not obtained no objection from State authorities, no order may be passed.

Mr. Saurav Bhattacharjee, learned advocate appearing for the IQ City Medical College & N.M. Hospital, Durgapur, Paschim Burdhaman, the respondent no.5 submits that there are no allegations against his client.

In reply it is submitted on behalf of the applicant that as the cadre controlling authority / Secretary, Medical Education of Central government / State government / Union Territory by intimation dated 25th April, 2022 has certified that he has qualified and is eligible for participating in the sponsored DNB post MBBS/Post Diploma Counselling conducted by MD E.W.S., appropriate order may be passed to which it is submitted on behalf the State respondents it is not the no objection certificate.

Having heard the learned advocates for the parties and considering the fact that the applicant has filed representations praying for permission to pursue post graduate course under “Trainee Reserve” facility, the application is disposed of by directing the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal, Kolkata, the respondent no.2 to dispose of the representations dated 5th May, 2022, 22nd June, 2022, 24th June, 2022 and

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SCN. 4th July, 2022 by passing a reasoned order, to be communicated to the parties within ten days from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL