

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 491 of 2024

Dr. Subhradeep Bag -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Ms. A.P. Banerjee,
Ld. Advocates.

04
06.01.2025

For the State Respondent : Mrs. S. Mitra,
Ld. 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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant was selected by the Directorate of Medical Education through its notice dated 20.12.2023 to undergo 6 (six) months' training course on USG "The Fundamentals in Abdomino Pelvic-Ultrasonography; Level one for MBBS Doctors"- under PC & PNDT, (Six Months Training) Rules, 2014. Since he was not allowed to join, the Tribunal by an order dated 26.06.2024 passed a direction in OA 256 of 2024 directing the Dy. Director of Health Services (Admn.) to reconsider its decision. The Dy. Director passed a reasoned order regarding the following :

"Now therefore, releasing the petitioner from his present place of posting would impede public services and the petitioner has chosen to pursue a course which does not fall under the purview of Super Speciality Disciplines, the undersigned regrets to inform that the prayer of the petitioner is hereby rejected after reconsideration."

Submission of Mr. Banerjee is that despite being selected the applicant was not allowed to join the course, whereas from the same notice Dr. Somnath Ghosh and Dr. Prasenjit Sarkar appearing at sl. No. 2 & 4 were allowed to proceed on study leave to pursue the same course by order dated 15.01.2024 and 29.01.2024. Mr. Banerjee, learned counsel for the applicant has submitted that the advertisement published for this course as well as the final selection list did not mention that this particular course is only for Super Speciality disciplines. By rejecting the applicant's case on the ground that this course does not come under Super Speciality discipline, they were discriminatory against the applicant and such decision was arbitrary.

Having heard the submissions of the learned counsels and after considering the facts and circumstances of the case, the Tribunal is of the opinion

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that out of 36 selected medical professionals in the course only a small percentage i.e. two of them were allowed to undergo the training. The rest, which is 34 of the selected Medical Professionals were not allowed to join the course. The ground for such decision not allowing them to join has been shown as dearth of medical personnel and also such course does not fall under the purview of Super Speciality disciplines. The Tribunal is of the opinion that it is the respondent authority who is responsible for deciding whether a particular course falls under Super Speciality or not. The respondent authority is also the authority to decide whether there is dearth of medical personnel or not. It would not be proper for this Tribunal to interfere into their administrative work. By not releasing 34 medical professionals to undergo this course, including this applicant, the Tribunal does not find any malice or prejudice against this applicant. It appears to be the wholistic decision taken by the respondent authority in the larger interest of public health.

Accordingly, this application is **disposed of** without orders.

CSM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)