

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 72 of 2023**

*Dr. Debashish Mondal* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and For the Applicant : Mrs. S. Mitra, Ld. Advocate.

Date of order For the State respondent : None.

01  
10.02.2023

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

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to the Director of Medical Education to change the department under which the applicant is working since he has now acquired the qualification of MD in Anaesthesiology. In this regard, the applicant has also submitted an application before the respondent praying for transferring him back to the Department of Anaesthesiology. In another representation, the applicant requested that since he is now a qualified Anaesthesiologist, he wants to serve in Anaesthesiology only and not interested in the Critical Care Medicine Unit.

In my opinion, this is strictly an internal administrative matter to be handled best by the Medical Administrator. In this application and supported by his representation to the respondent, it is very clear that the applicant is requesting for a transfer from Critical Care Unit to Anaesthesiology Unit. The question is whether the Tribunal is competent to know, decide and direct whether a particular medical specialist should be working in the Anaesthesiology, Critical Care Unit or any other unit? I do not think so. The Hon'ble Apex Court has also made it very clear in several instances that the Court should not interfere in day to day administrative matters. According to me, this is a purely administrative matter and the Tribunal should refrain from entertaining such application. The Director of Medical Education is the best person to decide whether the applicant should be in Anaesthesiology or Critical Care Unit or any other department. The Tribunal does not wish to interfere into the State's day to day administrative matter.

The application is thus not allowed. Accordingly, the matter is **disposed of** with no cost to orders

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**