

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

**Case No. – OA 74 OF 2021**

**Dr. Nilanjana Ghosh. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. S, Ghosh, Mr. A. Mitra, Advocates.
<u>1</u> 8.2.2021	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Let affidavit of service filed on behalf of the applicant be kept on record.

It is submitted by Mr. S. Ghosh, learned advocate for the applicant, as the applicant pursuant to the written intimation dated 27<sup>th</sup> January, 2021 issued by the All India Institute of Medical Sciences ('AIIMS' for short), Bhubaneswar on behalf of AIIMS, Guwahati has been directed to join the post of Assistant Professor within fifteen days and due to that urgency copies of the application have been served and the matter has appeared under the heading "New Application" and as the respondents have entered appearance through Mr. G. P. Banerjee, learned advocate for the State, the matter may be taken up for hearing.

Mr. Banerjee submits that in view of the urgency the matter may be taken up by the single Bench.

In this application, the applicant who had joined the services of

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the West Bengal Medical Education Services ('WBMES' for short) on 3<sup>rd</sup> March, 2014 as a Demonstrator, in the Department of Community Medicine at North Bengal Medical College, Darjeeling and thereafter, promoted on 20<sup>th</sup> May, 2015 to the rank of Assistant Professor in the Department of Community Medicine and now posted at Burdwan Medical College, Burdwan, has prayed for the following 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 her resignation letter, so made by her on 28.01.2021 before The Principal Secretary, Department of Health & Family Welfare, Government of West Bengal and The Director of medical Education & Ex-officio Secretary, Department of Health & Family Welfare, Government of West Bengal, (Through Proper Channel), alongwith 13 points declaration within a stipulated time period, enabling her to join in the post of “Assistant Professor” at AIIMS, Guwahati in the department of “Community and Family Medicine” on or before 12.02.2021.*

*(b) An order do issue directing the concerned respondent authorities to forthwith issue “Relieve Order” in favour of your applicant alongwith all dues without causing any further delay, so as to enable your applicant to join in the post of “Assistant Professor” at AIIMS, Guwahati in the department of “Community and Family Medicine” on or before 12.02.2021. ....”*

It is submitted by Mr. Ghosh that since pursuant to an advertisement by the AIIMS, Guwahati, the applicant had applied for the post of Assistant Professor and as well as Associate Professor and as the Director of Medical Education, Government of West Bengal –

the respondent no. 2 by order dated 15<sup>th</sup> October, 2020 had given permission for appearing in the interview only and as he has come out successful in the selection process for the post of Assistant Professor and as by letter dated 27<sup>th</sup> January, 2021, the applicant has been directed to join within fifteen days from the date of receipt of the letter of appointment, being annexure-“C” to the application, that is, 12<sup>th</sup> February, 2021, appropriate order may be passed for releasing her. Submission is after receiving the letter dated 27<sup>th</sup> January, 2021, the applicant has submitted her letter of resignation from the post of Assistant Professor (Community Medicine) dated 28<sup>th</sup> January, 2021 along with 13 points query which may be directed to be allowed by appropriate authority. In support of his submission reliance has been placed on the judgment passed by the High Court, Calcutta on 18<sup>th</sup> December, 2020 in WPST 86 of 2020 : Dr. Debangshu Ghosh –Vs.- The State of West Bengal & Ors.

Mr. Banerjee on behalf of the State respondents submits, if directed, the respondent authorities will consider the letter of resignation dated 28<sup>th</sup> January, 2021 along with the 13 points query in accordance with law.

Having heard the learned advocates for the parties, since the respondent no. 2 by order dated 15<sup>th</sup> October, 2020 had permitted the applicant to appear in the interview for the post of Assistant Professor (Community Medicine) and as the applicant has come out successful and a letter of appointment has been issued and he has to join the post by 12<sup>th</sup> February, 2021, the application is disposed of by directing the Director of Medical Education and Ex-officio Secretary, Department of Health & Family Welfare, Government of West Bengal – the

**ORDER SHEET**

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respondent no. 2 to dispose of the letter of resignation dated 28<sup>th</sup> January, 2021 along with 13 points query and the issue of granting release order, by passing a reasoned order to be communicated to the parties within seven days from the date of presentation of a copy of this order downloaded from the internet / website, after considering the judgment of Dr. Debangshu Ghosh (supra).

(SOUMITRA PAL)  
CHAIRMAN

S.M.