

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 79 of 2024

Sulakshana Rai -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Sourav Bhattacharjee,
Mrs. S. Das,
Ld. Advocates.

03
24.07.2024

For the State Respondents : Mr. D. Kole,
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 being Health Assistant (Female) had applied for granting Trainee Reserve facility for undergoing three years' GNM course beginning 2022. Such requests were furnished before the Deputy Director of Health Services (Nursing) in the year 2022. However, such prayers were neither accepted nor rejected by the respondent authorities. Attention has been drawn to an order dated 12.09.2023 issued by the Director of Health Services. Submission of Mr. Bhattacharjee is that by this order, five other HA(F)s were allowed to proceed on Trainee Reserve to undergo the GNM Course for 2022-2025.

Mr. Kole had submitted on the last date of hearing that joining this three year course so late would not serve any purpose. Mr. Kole points out that such relief given to these five employees were in terms of a direction of this Tribunal in other applications. The main point argued by the applicant's side is that this applicant despite furnishing her application for TR in the year 2022 was not considered. On the other hand, other HA(F)s whose applications were at a later date were considered. On the last date of hearing, a question arose whether the Institutes which conducts such courses will allow late comers to join the course midway ? Today, a copy of letter addressed to Sulakshana Rai by Principal, Pragati Nursing College and Pragati Nursing School has been filed. Submission of Mr. Bhattacharjee is that as evident, the Institute is willing to admit this applicant for which 27 seats are still available during 2022-2025 course.

In the backdrop of the observations made in the foregoing paragraphs, the Tribunal leaves it to the discretion of the respondent authorities to take the final decision regarding the TR facility to undergo the GNM Course 2022-2025. The Tribunal is satisfied of two things :

(i) The applicant had furnished her TR application before the Deputy

Form No.

Case No. **OA-79 of 2024**

Vs.

The State of West Bengal & Ors.

Director (Nursing) well on time – 24.08.2022 before the session was to commence. But the respondent authorities neither accepted nor rejected her application for the TR facility.

(ii) The applicant has presented a letter from one Pragati Nursing College and Pragati Nursing School, Phansidewa, District – Darjeeling, willing to admit the applicant in the GNM Course under TR facility subject to necessary permissions from the competent authorities.

Let the respondent no. 2, the Director of Health Services take the final call after considering the above two observations made by the Tribunal by passing a reasoned and speaking order within a period of thirty (30) days from the date of communication of this order and after giving an opportunity of hearing to the applicant.

Accordingly, the application is **disposed of**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS