

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 91 of 2022.

SUMITA MANDAL – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. A. Biswas, Ms. D. Acharyya, Advocates.
<u>1</u> 28.2.2022	For the State Respondents	: Mrs. G.P. Banerjee, Advocate.

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.

Affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of this original application be served on Mr. Banerjee, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In the application Sumita Mandal, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“.....a) A direction directing the respondent authorities to cancel/set aside/quash/withdraw order being memo no. HNG/16R-01-2022/87 dated 27.01.2022.

b) A direction directing the respondent authorities to immediately accept the resignation of the applicant and/or in the alternative issue Post Facto No Objection Certificate in respect of getting selected in 'Paramedical Recruitment 2018 in ESI Corporation,

West Bengal Region....”.

It appears that the applicant was appointed temporarily as nursing staff, Grade-II under W.B.N.S. Cadre by order dated 23rd September, 2016 and was confirmed on 29th September, 2019. It appears in between the applicant applied for the post of para-medical and nursing staff for ESIC Medical Education Institution and Hospitals. Incidentally, the last date for receiving applications was 21st January, 2019. The applicant ultimately was successful in the selection process and by letter dated 22nd October, 2021 before the Deputy Director of Health Services, Government of West Bengal, being annexure ‘E’ to the application prayed for post facto no objection certificate. The Deputy Director of Health Services (Administration), - the respondent no. 3 by an order contained in the memo dated 27th January, 2022, being annexure ‘H’ to the application, refused the prayer, the relevant portion of which is as under :-

“.....*Sub.:- Refusal to accept for Resignation
from WBNS i.r.o.Sumita Mandal Staff
Nurse Gr. – II.*

In reference to the above subject, this is to inform you that your prayer for resignation from West Bengal Nursing Services w.e.f. 01.01.2022 to join to the post Staff Nurse in ESIC, West Bengal Region is hereby rejected as you have not obtained the required permission (NOC) before selection/appointment of the instant case.....”

Heard Mr. Biswas, learned advocate for the applicant and Mr. Banerjee, learned advocate for the State respondents. Since the applicant has been unable to explain why she did not obtain the required

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permission or no objection certificate before the selection and/ or appointment and as no ground has been taken on that issue in the application, no order is passed on the application.

The application is dismissed.

Skg.

(SOUMITRA PAL)
CHAIRMAN.

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