ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –<u>O.A. 290 of 2019</u>

DR. DIPAYAN MAZUMDAR & ORS.   <u>Vs</u> **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3

<u>1</u>
 	
09.04.2019
	For the Applicant : Mr. K.K. Ray,
	                                    Mr. M.N. Ray,
	                                              Advocates
	
	For the Respondents : Mr. G.P. Banerjee,
	                                              Advocate
	
	For the Respondent No.8 : Mr. Sunil Kr. Ray
	(Medical Council of India) Advocate
	
	        Let affidavit of service filed be kept on record.
	
	        It is submitted on behalf of the applicants that since a similar matter, being O.A. 264 of 2019, Dr. Debasis Sil & Ors. vs. The State of West Bengal & Ors. has been admitted and direction has been issued on 2nd April, 2019 for exchange of reply and rejoinder and interim order has been passed, appropriate order may be passed.
	
	        Heard Mr. K.K. Ray, learned advocate for the applicant, Mr. G.P. Banerjee, learned advocate for the respondents and Mr. S.K. Ray, learned advocate for the respondent no.8. The matter is admitted. As prayed for on behalf of the respondents, let reply be filed by 3rd May, 2019. Rejoinder, if any, by 10th May, 2019. Matter to appear under	

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	the heading "Reply, Rejoinder and Objection" on 14th May, 2019. So far as the prayer for interim order is concerned Mr. K.K. Ray, relying on the statements made in the application as well as the grounds, particularly ground nos. II and III of the application and the judgement delivered on 11th June, 2018 in O.A. 260 of 2018 : Soumya Kundu & 43 Ors. v. The State of West Bengal & Ors. as well as judgement of the High Court delivered on 10th August, 2018 passed in WPST 54 of 2018, State of W.B. v. Soumya Kundu and referring to the impugned notification dated 28th February, 2019, submits that the said notification restricting the number of service candidates on Trainee Reserve is uncalled for and illegal as according to him in any event, the Trainee Reserve for 2019 should be at least 466 instead of 237 as notified and, therefore, as the counselling is continuing, interim order, as prayed for, may be passed. Mr. Banerjee on behalf of the State submits that the notification dated 28th February, 2019 under challenge is in consonance with the Rules and is just and proper. Moreover, as the application is premature, no interim order may be passed. So far as the prayer for interim order is concerned, in view of the statements made in the application and keeping in	

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SCN.	mind the grounds, particularly ground nos. 7 II. and III, we are of the view that a prima facie case has been made out for passing an interim order. Therefore, let there be an interim order in terms of prayers 11 (a) and (b) directing the respondents particularly West Bengal University of Health Sciences, the respondent no.7 to allow the applicants to take part in counselling for allotment of seats in NEET-PG 2019 examination without prejudice to the rights and contentions of the parties and subject to further order that may be passed. It is made clear that this order will not create any right or equity in favour of the applicants. Learned advocates for the parties are permitted to take down the gist of the order for communication and the respondents, including the West Bengal University of Health Sciences, the respondent No.7, shall act on the basis of such communication. (S.K. Das) (Soumitra Pal) MEMBER (A) CHAIRMAN	