

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

**Case No. –OA 50 of 2020**

Dr. Arnab Ray - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>06</u> 18.08.2021	For the Applicant	: Mr. S. Ghosh, Mr. M.N. Roy, Mr. B. Nandy, Ld. Advocates.
	For the State Respondent	: Mr. G.P. Banerjee, Mr. B.P. Roy, Ld. Advocates.

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 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The counsel for the applicant has prayed for leave to add the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal as respondent no. 1(a). Prayer is allowed. The applicant is directed to make appropriate amendment in the cause title in course of this day.

The instant application has been filed praying for a direction to the respondent authorities to take appropriate steps to enable the applicant to exercise option for private practice in terms of the relevant provisions of the West Bengal State Ayurvedic Health Service Act, 2002 as well as West Bengal Health Service Act, 1990 as amended. As per the applicant, he had made several representations to the then Additional Secretary, Ayush Branch, Department of Health & Family Welfare for allowing him to opt for private practice. However, till date no decision has been communicated. During the course of the hearing, he has referred the judgment dated 03.08.2021 passed in Civil Appeal No. 4578 of 2021 arising out of SLP (C) No. 10156/2019 in the case of North Delhi Municipal Corporation v. Dr. Ram Naresh Sharma & Ors. and has submitted that it would suffice his purpose if the authority would be directed to consider his representation treating this OA as part of it, in the light of the judgment as referred above within a stipulated period of time.

Form No.

Case No. **OA 50 of 2020**

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**Vs.**

THE STATE OF WEST BENGAL & ORS.  
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The counsel for the respondent has no objection if the respondent would be directed to consider his case as prayed for in accordance with law.

Heard both the parties and peruse the record. Since the respondent has not taken any decision in this regard till date, therefore, the respondent no. 1 (a) i.e. Principal Secretary, Department of Health & Family Welfare, Government of West Bengal is directed to consider the representation of the applicant treating this OA as a part of it in the light of the judgment dated 03.08.2021 passed in Civil Appeal No. 4578 of 2021 arising out of SLP (C) No. 10156/2019 (Supra) and to take a decision as per rules and laws and communicate the same by way of a reasoned and speaking order, after granting the applicant an opportunity of hearing, within a period of eight weeks from the date of receipt of the order. The applicant is further directed to serve copy of this OA along with the order to the respondent no. 1 (a) within a period of seven days.

Accordingly, the OA is **disposed of** with no order as to cost.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

SS/CSM