

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA - 1097 of 2017****Neeladri Sekhar Maitra –Vs- The State of West Bengal & Others.**

| Serial No. and Date of order.<br>1                         | Order of the Tribunal with signature<br>2  | Office action with date and dated signature of parties when necessary<br>3 |
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| <p style="text-align: center;"><u>8</u><br/>30.07.2019</p> | <p><i>For the Applicant : Mr. A. Mookherjee, Advocate.</i></p> <p><i>For the Respondent : Mr. S. Ghosh, Advocate.</i></p> <p><i>The instant application has been filed prayed for following relief:</i></p> <p style="padding-left: 40px;"><i>“a) An order do issue directing upon respondent Nos. 2 and 3 to continue his service in same post;</i></p> <p style="padding-left: 40px;"><i>b) An order do issue commanding the respondents Nos. 2 and 3 by directing to send all connected case records so that conscionable justice can be made;</i></p> <p style="padding-left: 40px;"><i>c) An order do issue to set aside the impugned Order Memo No. 3388/1(8) dated 14.06.2017 issued by respondent No. 3;</i></p> <p style="padding-left: 40px;"><i>d) To pass such order or further orders as your Lordships may deem fit and proper.”</i></p> <p style="padding-left: 40px;"><i>As per the applicant, he had passed the B.D.S. final examination of the West Bengal University, Health Services held on December, 2014 and thereafter, he had pursued his Internship in Dentistry during the period of 9<sup>th</sup> February,</i></p> |  |

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|                                    | <p>2015 to 8<sup>th</sup> February, 2016 on different department (Annexure - 'A1') and thereafter he was selected as House Staff in the Department of Dentistry at Malda Medical College on honorary basis without remuneration with effect from 2016 (Annexure - 'A2'). However, vide Memo dated 14.06.2017, (Annexure 'A5') the name of the applicant was replaced by one Vikash Prasad from house staffship without assigning any reason. Thereafter, he made prayer for extension of house staffship tenure for next six months vide communication dated 07.06.2017 (Annexure - 'A6'). As he did not get any response, being aggrieved with, he has approached this Tribunal.</p> <p>Though enough opportunity was granted to the respondents to file reply but no reply has been filed. However, the counsel for the respondent has vehemently objected on the maintainability of the application on the ground of lack of jurisdiction as the applicant is not a civil post holder as he has applied the house staff ship. Moreover, the applicant is not a holder of any civil post of the Health Department.</p> <p>Heard both the parties and perused the records. As the applicant is not civil post holder, we do not have any</p> |  |

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| A.K.P.                                | <p><i>jurisdiction of the said issue. Accordingly, the O.A. is dismissed for want of jurisdiction. However, the applicant would be at liberty to approach the appropriate forum, if so desired.</i></p> <p><b>P. RAMESH KUMAR</b><br/><b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b><br/><b>MEMBER (J)</b></p> |  |