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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

**W.P.A. No. 5919 of 2020
With
IA No. CAN 1 of 2020
(Old No. C.A.N. 4059 of 2020)**

**Dr. Bikram Panda
-Vs.-
State of West Bengal & Ors.**

Mr. Rahul Karmakar,
Ms. Gargi Goswami
...for the petitioner

Mr. Joytosh Majumdar,
Mr. Arjun Ray Mukherjee,
Mr. Arjun Roy Chowdhury,
Ms. Kakali Samajpaty
...for the respondents

The petitioner is a doctor, engaged in the service of the State of West Bengal (Health Department).

The various grievances raised by the petitioner in this writ petition relate to his service as a State Government employee.

On July 21, 2020, a learned Single Judge of this Court has granted various reliefs prayed for by the petitioner in this writ application. However, today, the learned Government Pleader of the State of West Bengal raised strong objection to the maintainability of the writ

petition. He referred to the decision of the Hon'ble Supreme Court in the case of *L. Chandra Kumar Vs. Union of India*, reported in (1997) 3 SCC 261 (paragraph 93) and submitted that in the present case, the State Administrative Tribunal has the jurisdiction to deal with all the contentions raised by the petitioner as a Government employee. It is further submitted that the State-respondents has filed an appeal against the order dated August 21, 2020.

Admittedly the petitioner's grievances in this writ petition are all in connection with his service as a medical officer of the State of West Bengal. Thus, the petitioner's remedy in the present case was to approach the State Administrative Tribunal, being a Tribunal constituted under Article 323-A of the Constitution of India.

Although it is contended by the petitioner that on the date of July 21, 2020, the State Administrative Tribunal was not functioning, but such statement does not appear to be correct. The said Tribunal has all along been functioning. However, in the writ petition, the petitioner has not made any statement as to why he did not approach the State Administrative Tribunal.

When the learned counsel appearing for the petitioner admits that the present writ petition

could be maintainable only before the State Administrative Tribunal, this Court does not hesitate to dismiss the present writ petition on the ground of lack of jurisdiction and the decision of the Supreme Court in the case of L. Chandra Kumar (*supra*).

In view of the above, the writ petition, being WPA 5919 of 2020 is dismissed. The interim order passed on July 21, 2020 stands vacated.

It is to be clarified that this order shall not stand in the way of the writ petitioner to approach the State Administrative Tribunal seeking appropriate remedy.

There shall be no order as to costs.

(Ashis Kumar Chakraborty, J.)