

19.11.2020.

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W.P.A No. 7021 of 2020
IA No: CAN 1/2020

Dr. Manoj Kumar Dutta and others
Vs.
Union of India and others

Mr. Atarup Banerjee,
Mr. Debasish Kundu,
Mr. Samit Bhanja

.... For petitioners.

Mr. Rajashree Venkat Kudalia

... For Union of India.

Mr. Tapan Kuma Mukherjee,
Mr. Sougata Mitra

... For State.

Mr. Banerjee, learned advocate appears on behalf of petitioners and submits, challenge is against notification dated 23rd September, 2019 regarding recruitment of Homoeopathic Medical Officers/Deputy Medical Superintendent/Inspector of Homeopathy/Resident Medical Officer. He submits, the notification purports to have been issued in exercise of power conferred by section 14 read with section 23 in West Bengal State Homoeopathic Health Service Act, 2002. He demonstrates from the sections that the provisions relate to recruitment in all teaching posts. Hence, the challenge.

Mr. Mukherjee, learned advocate, Additional Government Pleader appears on behalf of State and

submits, this writ petition is not maintainable in the High Court at first instance. Petitioners must approach the Tribunal, even with a vires challenge. Mr. Banerjee submits, liberty then be granted to his client to move the Tribunal on not pressing this petition.

The writ petition is dismissed as not pressed with liberty to petitioners to move the Tribunal.

(Arindam Sinha, J.)