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01-12-2021

WP.ST 100 of 2021

Ct. 8

Dr. Amal Pan
Versus
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Biswarup Nandy, Adv.
...for the petitioner

Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole, Adv.
Ms. Saheli Mukherjee, Adv.
...for the State

Affidavit of serviced filed in Court today on behalf of the petitioner is taken on record.

This matter has come at the instance of the petitioner showing urgency. The petitioner is an aspirant to the post of Homeopathic Medical Officers. The applicant approached the learned Tribunal alleging that there are serious irregularities and the advertisement published so far has severely curtailed the right of the applicant to be considered for the said post. One of the principal prayers made before the learned Tribunal was that the direction be issued upon the respondent no. 3 to allow the candidature of the applicant for the post of Homeopathic Medical Officers by allowing him to secure marks as per Advertisement No. R/HMO/78(1)/1/2019.

The learned Tribunal upon consideration of the materials on record and after hearing the learned Counsel for the parties being exasperated at the conduct of the said respondent in not

filing the affidavit in time and having been satisfied that a prima face case has been made out by the appellant, directed the respondent nos. 1, 2 and 3 to keep one post vacant. It was further made clear that all appointments made in the meantime shall abide by the result of the application.

On the conspectus of the case, we feel that the interest of writ petitioner was adequately protected by the interim order dated 17th November, 2021.

Before us the learned Counsel for the petitioner submits that the entire advertisement needs to be stayed.

We do not find any reason to pass such an order as the learned Tribunal is in seisin over the matter and the order adequately protects the interest of the applicant. Even in the balance of convenience and inconvenience, we feel that, at this stage, restraining the respondents not to publish the panel would cause more inconvenience.

In view thereof, this writ application stands dismissed. However, there shall be no order as to costs.

The observations made by us are only for the purpose of deciding the said application and nothing beyond it should be read in our order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)