

26.05.2022
Item No. 09
Ct. No. 08
PG

W.P.S.T. 54 of 2022
Dr. Subhrangshu Dutta
Vs.
The State of West Bengal & Ors.

Dr. Chapales Bandyopadhyay
Ms. Gargy Basu
Ms. Anandamayee Dutta.....for the petitioner

Mr. Rajarshi Basu
Mr. Bipin Ghosh.....for the State

The petitioner admittedly belongs to the cadre of West Bengal Dental Service. He is aggrieved by the fact that in a process for selection of Assistant Professor in West Bengal Dental Education Service, he is not being permitted to participate. He approached the West Bengal Administrative Tribunal with an original application being O.A. 333 of 2022 and prayed for an interim order permitting him to participate in the selection process. The tribunal held that since the applicant has not been able to demonstrate that he belongs to West Bengal Dental Education Service or was in the former West Bengal Dental Service, no interim order could be passed. However, action taken by the respondents would abide by the result of the application. Being aggrieved, the applicant has challenged the refusal of

the tribunal in passing an interim order by filing this writ application.

We have heard learned Counsel for the parties. The relevant circular dated May 13, 2022 is captioned as : “Circular for Departmental Promotion to the Posts of Professor and Assistant Professors in Different Disciplines in the West Bengal Dental Education Service”. The first paragraph of the said circular says that eligible Dental Teachers of the West Bengal Dental Education Service could apply in terms of the said circular. Admittedly, the petitioner does not belong to the West Bengal Dental Education Service. Hence, in our opinion, he cannot take benefit of the said circular and is not eligible to participate in the concerned selection process.

Learned Counsel for the petitioner drew our attention to the essential requirement for the post of Assistant Professor as mentioned in the said circular. He says that he has the requisite experience and hence should be permitted to participate in the selection process. We are unable to agree with him. As noted above, it is only the Dental Teachers belonging to the cadre of West Bengal Dental Education Service, who are eligible to apply on the basis of the aforesaid circular.

However, we make it clear that all these observations are prima facie in nature for the purpose

of considering the prayer made by the petitioner for interim order. The original application is pending before the learned tribunal, which shall be decided in due course. None of the observations made in this order shall have any bearing on the final decision of the learned tribunal.

W.P.S.T. 54 of 2022 is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Ananya Bandyopadhyay, J.) (Arijit Banerjee, J.)