

17.
16.1.2023
S.D.

W.P.A. 736 of 2023

**Jyotsna Chakraborty & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharya
Mr. Soumik Dey

...For the petitioners

Mr. Swapan Kumar Datta, Sr. Adv.,
Mr. Tapas Kumar Mandal

...For the State

Ms. Swapnalekha Auddy
Mr. Surajit Auddy

..for Respondent Nos. 4, 5, 7 to 10

Affidavit of service filed in Court today be retained
with the records.

The petitioners have applied for recruitment to the
posts of Senior Lecturer and Reader after acquiring M.Sc.
degree in Nursing. The petitioners are working in the posts
of Clinical Instructors in the various Government colleges of
Nursing in the State of West Bengal.

The posts that the petitioners claim to be incumbents of
are the posts in the West Bengal Government colleges of
Nursing under the Department of Health and Family
Welfare, Government of West Bengal.

Mr. Bhattacharya, learned counsel appears on behalf of the petitioner and submits that the last date for applying to the posts of Senior Lecturer and Reader is January 20, 2023. He submits that since the State Administrative Tribunal is functioning with only one member unless consent is given by both the parties, the said member will not be inclined to consider the petitioners' case.

Mr. Mandal, learned Advocate appearing for the State submits that there is no reason to withhold consent on behalf of the State respondents for adjudication of the issues by a single member of the Administrative Tribunal.

This Court is of the view that the present writ petition being W.P.A. 736 of 2023 is not maintainable in view of the provisions of the Administrative Tribunals Act, 1985.

Accordingly, **W.P.A. 736 of 2023 is dismissed.**

However, it is made clear that this Court has not gone into the merits of the case and the parties will be at liberty to approach the appropriate forum/Tribunal, if so advised.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)