

13.04.2023
DL-103
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1350 of 2023

Kajal Roy Kayet
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Taniya Khatun

...for the petitioner.

Ms. Debdooti Dutta

....for the State.

Written instruction filed in Court today by the
State-respondents is retained with the records.

In the writ petition, the petitioner has challenged
an order dated December 29, 2022 (impugned order)
passed by the Directorate of Health Services,
Government of West Bengal.

Mr. Mukherjee, learned Additional Government
Pleader relying on a notification dated December 8,
2009 relating to the nursing personnel posted as
Health Assistant (Female) and Health Supervisor
(Female) submitted that the writ petitioner was under
the purview of the Administrative Tribunals Act,
1985. He submitted that all categories of nursing
personnel employed by the Department of Health and
Family Welfare, Government of West Bengal were
under the purview of 1985 Act.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioner relied on a guidelines dated September 5, 2006. It is submitted by him today that he has considered the notification dated December 8, 2009 and the writ petitioner comes under the purview of the 2009 notification.

In such view of the matter, this Court holds that it does not have the jurisdiction to entertain the writ petition at the first instance.

In such view of the matter, **WPA 1350 of 2023** is **dismissed as not pressed**.

However, the petitioner will be at liberty to approach the appropriate tribunal, on the self-same cause of action, if so advised.

Since no affidavits have been called for in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

(Lapita Banerji, J.)