

13.04.2023
DL-105
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1357 of 2023

Bijali Barman
Vs.
The State of West Bengal & Ors.

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

...for the petitioner.

Mr. Shamim ul Bari

....for the State.

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. Bari, learned counsel appearing for the State-respondents relying on a notification dated December 8, 2009 relating to the nursing personnel posted as Health Assistant (Female) and Health Supervisor (Female) submits that the writ petitioner was under the purview of the Administrative Tribunals Act, 1985. He submits 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 notification dated December 8, 2009.

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 1357 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.)