

03.04.2023
DL-51
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6596 of 2023

Sourjya Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Imtiaz Akhtar,
Mr. Badrul Karim

....for the petitioner.

Mr. Tapan Kumar Mukherjee, AGP,
Ms. Tuli Sinha

....for the State.

The petitioner applied for recruitment pursuant to an advertisement of 2021 issued by the West Bengal Health Recruitment Board.

Mr. Chatterjee, learned counsel appears on behalf of the petitioner.

Mr. Mukherjee, learned Additional Government Pleader appears on behalf of the State-respondents and raises a preliminary point of objection. He submits that since the advertisement is for recruitment to the post of Pharmacist Grade III under the Health and Family Welfare Department, Government of West Bengal, the recruitment is for Government service and such recruitment process of the candidates is governed by the Administrative Tribunals Act, 1985.

In such view of the matter, this Court **dismisses WPA 6596 of 2023** for lack of jurisdiction.

However, the petitioner will be at liberty to take appropriate steps before the appropriate forum, if so advised, on the self-same cause of action.

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

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

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

(Lapita Banerji, J.)