

81 27.03.23

Ct. No. 04

Akd

WP.ST. 44 of 2023

Swapna Pramanik

Vs.

The State of West Bengal & Ors.

Mr. Jamiruddin Khan.

... for the petitioner.

Mr. Tapan Kumar Mukherjee,

Mr. Rajat Dutta.

... for the respondents.

The instant writ petition arises from an order dated 22nd February, 2023 passed by the West Bengal Administrative Tribunal in OA 742 of 2022.

Several applicants filed combined application before the Tribunal seeking an order that since they stand on the same pedestal that of other persons, who earlier approached the Tribunal by filing OA 44 of 2023, they should also be treated in similar fashion that of those persons. The Tribunal found that apart from the present writ petitioner, others stand on the same pedestal as they applied for “Trainee Reserve” and, therefore, the direction was passed upon the authority to consider their case and pass a reasoned order in the light of the observations made in OA 44 of 2023 (Moumita Marjit & Ors. vs. The State of West Bengal & Ors). The Tribunal found that the present writ petitioner had not applied for “Trainee Reserve” but only for GNM course and, therefore, her case is distinct and separate from the rest of the petitioners and directed the authority to consider the grievance of the writ petitioner in the light of the extant Rule applicable for GNM course.

Our attention is drawn to a letter dated 27th September, 2022 submitted by the petitioner, which according to the learned Advocate for the petitioner, was also filed before the Tribunal, wherefrom it appears that in first paragraph the petitioner intended

to communicate the authority that she has been qualified in ANM(R) and GNM Entrance Examination 2022 conducted by WBJEE. However, second paragraph indicates that her application should be considered and necessary arrangement should be made for issuance of No Objection Certificate for Trainee Reserve as per the Government Rules. There are several noting on the said paper by the appropriate authority.

The Tribunal in our opinion misconstrued the aforesaid letter that since the petitioner wanted her case to be considered under the extant Rule of GNM not for Trainee Reserve, that put her to stand independently and separately from the rest.

A meaningful reading of the said letter does not indicate that the petitioner has not asked for her status on the Trainee Reserve and, therefore, the entire approach of the Tribunal in this regard is contrary to record.

Accordingly, the operative portion of the impugned order concerning the writ petitioner is hereby set aside, the respondent no. 2, the Director of Health Services, Government of West Bengal, is directed to pass a reasoned order in terms of the direction passed by the Tribunal in the impugned order treating the writ petitioner at par with the rest of the applicants therein and it goes without saying that the time limit contained therein is extended till three weeks from the date of the communication of this order.

The writ petition is thus disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

