

DL-2

30.08.2023
Court No.5
(AD)

WP.ST 114 of 2023

Dr. Debesh Nath

Vs.

The State of West Bengal & Ors.

Mr. Anindya Lahiri

Ms. Pranati Das

... for the petitioner.

Mr. Tapan Kumar Mukherjee,

Ld. Sr. Advocate & Ld. AGP

Ms. Tuli Sinha

... for the State-respondents.

Supplementary affidavit filed in Court be taken on record.

The writ petition is taken up for consideration subsequent to the order dated August 17, 2023.

Learned Senior Advocate appearing for the State submits, on instructions, that, no disciplinary proceeding is pending as against the writ petitioner as on date. However, the commencement of the departmental proceedings as against the writ petitioner is under active consideration by the authorities.

The writ petitioner as a Block Medical Officer of Health applied for the facility of Trainee Reserve before the Director of Health Services on December 6, 2022 to undertake the course in MS, Obst & Gynae for the session 2022-2025 at Malda Medical College and Hospital. Petitioner completed the admission formalities and paid the course fee. Application of the petitioner for such purpose was not considered by the authorities. Aggrieved, petitioner approached the Tribunal by way of OA-337 of 2023 where the impugned order dated July

12, 2023 was passed.

Before the Tribunal, the stand taken was that, the application of the petitioner for Trainee Reserve was kept on hold due to ongoing departmental proceeding. Today, it stands clarified that, there is no pending disciplinary proceedings as against the writ petitioner. However, initiation of the disciplinary proceedings is under active consideration by the authorities.

In such circumstances, we set aside the impugned order of the Tribunal. We also set aside any decision taken on the application dated December 6, 2022 of the writ petitioner to undertake the course in MS, Obst & Gynae for the session 2022-2025 at Malda Medical College and Hospital disallowing the writ petitioner to participate in such course.

We direct the authorities to allow the petitioner to participate in such course.

This participation of the writ petitioner in such course will be wholly without prejudice to the rights and contentions of the parties including that of the authorities to commence any disciplinary proceedings as against the petitioner.

WP.ST 114 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

