

09.01.2023
DL-20
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28634 of 2022

Dr. Jinia Das
Vs.
The State of West Bengal & Ors.

Mr. Rahul Karmakar,
Ms. Gargi Goswami,
Mr. Rishabh Ahmad Khan
....for the petitioner.

Mr. Arjun Ray Mukherjee,
Ms. Sucharita Paul
....for the State.

Mr. Masud Karim,
Mr. Abhijit Chatterjee,
Mr. Galib Ahsan
....for the respondent no.15.

The petitioner challenges the show cause notices dated March 10, 2022 and September 19, 2022. The petitioner is working as a General Duty Medical Officer with the West Bengal Services.

Mr. Karmakar, learned counsel, appearing on behalf of the petitioner submits that the said notices have been issued in violation of the principles of natural justice. There is no alternative efficacious remedy to challenge the said notices.

Mr. Ray Mukherjee, learned counsel, appears on behalf of the State. He challenges the maintainability of the writ petition. He submits that since the petitioner is a government employee working with the Directorate of Health Services, Government of West

Bengal, the appropriate forum is the Tribunal under Section 14 of the Administrative Tribunals Act, 1985. Therefore, at the first instance without approaching the appropriate forum, the present writ petition is not maintainable.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that the appropriate forum is the Administrative Tribunal as specified under the Administrative Tribunals Act, 1985.

Therefore, this Court has no determination to receive, entertain and try the present writ petition at this stage.

In the circumstances, **WPA 28634 of 2022** is **dismissed** with liberty to the petitioner to approach the appropriate forum, if so advised.

It is made clear that this Court has not gone into the merits of the writ petition. It is expected that the parties will not pray for unnecessary adjournments before the appropriate forum.

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.)