

28.06.2023
DL-15
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29043 of 2022

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

Mr. Shaunak Ghosh,
Mr. Sourav Mondal

...for the petitioner.

Affidavit of service filed in Court today be retained with the records.

The petitioner is working under the Department of Health and Family Welfare, Government of West Bengal. The petitioner was appointed as a Medical Officer on January 4, 1995. Thereafter, the petitioner's services were regularised. The issue-in-question is whether the petitioner has been granted Child Care Leave (CCL) in terms of the West Bengal Service Rules, 1971.

Despite service, no one represents the State of West Bengal.

However, this Court finds that the petitioner is a Government employee. The present writ petition is not maintainable in view of the provisions of the Administrative Tribunals Act, 1985. Following the decision of the Apex Court in **L. Chandra Kumar vs. Union of India & Ors.** reported in (1997) 3 SCC 261, this Court holds that the administrative tribunal concerned is the Court at the first instance. Therefore,

this Court is not inclined to receive, try and entertain the writ petition.

Accordingly, **WPA 29043 of 2022** is **dismissed**.

However, it is made clear that this Court has not gone into the merits of the case.

Since no affidavits have been directed to be exchanged 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 copy of this order duly downloaded from the website of this 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.)