

01.12.2023
Sl. No.5
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 2152 of 2023

Nupur Goswami & Ors.

Versus

The State of West Bengal & Ors.

Mr. Nabankur Paul,
Mr. Abhishek Sarkar

....for the Petitioner.

Mr. Amitava Chaudhuri,
Mr. N Roy

.....for the Respondent Board.

Mr. Hirak Barman,
Ms. Bedashruti Bose

...for the State-respondents.

The petitioners are qualified nurses and they have duly passed Auxiliary Nursing Midwifery (R). They were appointed as Health Assistants under the Directorate of Health Services, Government of West Bengal. They have completed three years of service. Aspiring to acquire a higher qualification of General Nursing Midwifery, they appeared at the common entrance test in 2022, for the academic session 2022 to 2025. The petitioners claim that they were successful in the examination. The petitioners

applied for the grant of benefit of being placed as Trainee Reserve under the West Bengal Nursing Personnel (Placement of Trainee Reserve) Rules, 2009.

The relevant rules are annexed to the writ petition as Annexure P5. Rule 3 provides that nursing personnel shall, subject to conditions laid down in the rules, be eligible to be placed on Trainee Reserve for admission to the courses as mentioned therein. Rule 4 prescribes the criteria for being placed as Trainee Reserve.

The petitioners approached the West Bengal Administrative Tribunal and by an order July 28, 2023, the case of the petitioners was disposed of by directing the respondent No.6, i.e., Deputy Director of Health Services Nursing (Nursing) to consider the applications for Trainee Reserve as per Rules.

The application of the petitioners were rejected on the ground that the petitioners prayed for the benefit of being placed as Trainee Reserve, after the academic session commenced.

The writ petition has been filed challenging the rejection.

In my opinion, the order of rejection is also subject to scrutiny by the learned Tribunal and not the High

Court because the petitioners are under the West Bengal Health Services.

Mr. Barman, learned Advocate of the State-respondents submits that the session has commenced since March 2023 and eight months have lapsed. This a technical course and the first year course has already been completed.

In any event, the remedy of the petitioners is before the learned Tribunal. The petitioners can always approach the authorities with similar prayers at the appropriate time and in accordance with the rules for the next available sessions.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)