

43 03.10.2024
NB Ct. 17

WPA 16798 of 2024

Dr. Arindam Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Rohit Das,
Ms. Kishwar Rahman,
Ms. Sristi Roy.
...for the petitioner.

Mr. Biswabrata Basu Mallick Id. AGP.,
Mr. Sayan Ganguly.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was aggrieved with the initial order dated 08.09.2023 passed by the respondent authorities. Accordingly, he made representations on 11.09.2023 and 09.11.2023. However, on 05.03.2024, the respondents issued a notification giving effect to a panel. On 06.03.2024, three vacancies were notified to which the petitioner was entitled. Being aggrieved, the petitioner moved the instant writ petition in June, 2024. An alternative remedy is not always a bar to move a writ petition before the High Court. In the instant case, the petitioner is facing a problem that the Tribunal is not functioning with the full strength and furthermore, there is a requirement to wait for six months after giving a representation.

Learned counsel appearing on behalf of the State denies the allegations made in the writ petition and submits as follows. The petitioner is a government employee and Section 15(1) of the Administrative Tribunals Act is a specific bar for approaching this Court. Moreover, although the Tribunal is not functioning with full strength, yet matters are being regularly

taken up there. In any event, the petitioner has already made representations on 11.09.2023 and 09.11.2023 with respect to the first order dated 08.09.2023, which was the parent order without which the subsequent orders could not have been passed.

Section 15(1) of the Administrative Tribunals Act is a bar on entertaining a petition over the same issue. Therefore, ordinarily such prayers should not be entertained.

In the instant case, the petitioner had already made a representation on 11.09.2023 and 09.11.2023, as regards the parent order of 08.09.2023 with which he still aggrieved. The subsequent actions taken by the respondent authorities owed its origin to that earlier order. Therefore, ideally Section 20 of the Administration Tribunals Act would not act as a bar for the petitioner to move an application before the Tribunal on the said issue.

Therefore, the writ petition is disposed of by granting liberty to the petitioner to move the State Administrative Tribunal over his grievances as ventilated herein. Let the Tribunal take up the petitioner's application in accordance with law and as expeditiously as possible.

Parties to act on the server copy of this order downloaded from the official website of this Court.

(Jay Sengupta, J.)