

03.10.2024
Sl. No.3(DL)
srm

W.P.A. No. 20346 of 2024

Dr. Soumya Saha

Versus

Union of India & Ors.

Mr. Arnab Roy,
Mr. Satyam Mukherjee,
Ms. Sayani Ahmed

...for the Petitioner.

Mr. Biswabrata Basu Mallick, Id. AGP
Mr. Biman Halder

...for the State-respondents.

A report has been filed by the Deputy Secretary (Medical Affairs), Health and Family Welfare Department, Government of West Bengal.

The petitioner was provisionally selected for two years FETP-MPH programme under the ICMR-NIE, Chennai, commencing from July 1, 2024. The order in connection with placement of the petitioner as a Trainee Reserve was issued so that the petitioner could pursue the programme for two years at ICMR-NIE, Chennai. Instructions were also given to the officers of the West Bengal Health Services and West Bengal Public Health & Administrative Services that the petitioner was to be released under local arrangement from his place of posting. The petitioner reported to ICMR-NIE, Chennai on July

1, 2024. The controlling authority, *i.e.*, the Chief Medical Officer of Health, Purba Medinipur was unaware of the fact of such reporting of the petitioner. The CMOH, Purba Medinipur, by his office order dated July 3, 2024 asked the petitioner to show cause as to why the petitioner was absenting from duty without intimation to the controlling officer.

It is the specific case of the authorities that the petitioner did not ever ask for a release order. The petitioner has since been replaced by Dr. Subhash Chandra Mahato, the Superintendent of Haldia, as Assistant Chief Medical Officer of Healthy, Haldia. The petitioner was also informed about the irregularities he had committed. Accordingly, the release order has not yet been issued to the petitioner.

Upon the facts which have come before this Court, mandatory direction to release the petitioner cannot be issued, as there are certain un-fulfilled obligations on the part of the petitioner. It is also a matter of fact that the authority had chosen the petitioner for the programme and issued necessary direction.

Under such circumstances, the writ petition is disposed of with a direction upon the Deputy Secretary (Medical Affairs), Health and Family Welfare Department, Government of West Bengal to take necessary steps and decisions in this

regard, upon consideration of the order passed in favour of the petitioner to place him as a Trainee Reserve in order to enable him to pursue his programme at Chennai and also upon considering the alleged irregularities pointed out by the Chief Medical Officer of Health, Purba Medinipur.

It is expected that the matter can be resolved upon the petitioner complying with some formalities and cooperating with the authorities.

In view of the urgency involved, the matter should be decided within 5.00 pm tomorrow (04.10.2024) on the basis of the server copy of this order and/or learned Advocates communication. The decision shall be communicated to the petitioner mandatorily within 5.00 p.m. of October 4, 2024.

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.)