

S/l – AD 8
26.09.2024
S. Das

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21965 of 2024

Madhubanti Sengupta
-versus-
The State of West Bengal & Ors.

Mr. Varun Kothari
Ms. Arya Bhattacharyya
...for the petitioner.

Mr. Keshab Chandra Das
Mr. Jayanta Samanta
...for the State respondent.

The petitioner is admittedly a Medical Officer in the West Bengal Health Services. The petitioner, therefore, is holding a civil post under the State. The petitioner is seeking a direction upon the respondent Authorities to consider his transfer on the ground that the petitioner's son is ill and unwell. Even though the court is sympathetic about the health of the petitioner's son, yet the jurisdiction cannot be exercised in view of the provisions of Section 15(1)(a) of the Administrative Tribunals Act, 1985 read with Section 28 and 3(q) thereof.

This Court, in view of such statutory alternative remedy, lacks jurisdiction to receive, try and determine the writ petition particularly when the

West Bengal Administrative Tribunal being the appropriate Forum is in operation.

The writ petition is, therefore, dismissed for lack of jurisdiction. The dismissal of this writ petition will, however, not prevent the petitioner from approaching the appropriate forum on the self-same cause, if otherwise permissible in law.

The time spent between 29th August, 2024 (the date of filing of the writ petition) and today, i.e., 26th September, 2024 shall be construed as time spent in prosecuting a litigation bona fide before a court without jurisdiction.

All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)