

24.01.2024.
Court No.13
Item No. 9
ap

W.P.A. No. 24603 of 2023

Lieutenant Colonel
Dr. (Mrs.) Chirasree Chakrabarty (Retd.)
Versus
Union of India & Ors.

Ms. Manika Roy.

...For the petitioner.

Mr. Ajay Kumar Chaubey,
Ms. Anamika Pandey,
Mr. Chandan Mishra.

...For the respondents.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by the recruitment of the private respondent/civilian as Dental Officer in the Ex-Servicemen Contributory Health Scheme (in short 'ECHS').
3. A total of 24 posts including the Group-"C" and Group-"D" posts were advertised. There was only one post advertised for Dental Officers in ECHS for four areas, namely, Salt Lake, Howrah, Baruipur, Kolkata.
4. The petitioner was not recruited despite standing third in the order of merit.
5. It is argued by the petitioner that the Reservation Policy for Ex-servicemen of 60% of medical personnel ECHS, has not been followed by the respondents. Had the same being followed, the private

respondent/civilian could not have been recruited against the vacancy.

6. This Court notes that the Recruitment notice was published in March, 2023 and there was no challenge to the same. The writ petition has been filed in October, 2023 after the petitioner was offered to join for the contractual period of eleven months as Dental Officer. The offer came after the representation and notice of the writ petition.

7. This Court does notice an anomaly in the advertisement to the extent that 60% of the posts in ECHS are required to be reserved for Ex-servicemen. No such reservation has been applied in the recruitment process.

8. The issue is rather academic at this stage since the petitioner has been offered to join as Dental Officer in the ECHS at Howrah. She may do so within 48 hours. She shall be contractually engaged for a period of eleven months starting from the date of reporting for duties.

9. The petitioner may be provided extensions at the discretion of the respondent authorities.

10. With the aforesaid directions, the instant writ petition shall stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)