

14. 19.03.2024
bd. Ct.15

WPA 27220 of 2016

Dr. Subir Banerjee

-vs-

The State of West Bengal & Ors.

Mr. Dilip Kumar Chatterjee

Mr. Durga Bhusan Mukherjee ... for the petitioner.

The writ petition is heard in presence of the learned advocate representing the petitioner. However, no one is representing the respondents today.

The grievance of the petitioner is he was appointed by the Pradhan Radhamohanpur Gram Panchayat, District- Bankura as Homoeopathic Doctor in the dispensary of Radhamohanpur Gram Panchayat in consideration of the fact that petitioner approached the panchayat authorities to render free service. In addition thereto the resolution of the said panchayat dated 8th February, 2016 has been relied upon wherefrom it appears that after the death of the erstwhile Homoeopathic Doctor a notification was issued on 17th July, 2015 inviting applications from eligible candidates and in response thereto sixteen applications were submitted. According to the petitioner, applications of those sixteen candidates including their academic qualifications were considered in the meeting dated 8th February, 2016 and the petitioner was found fit to be engaged as Homoeopathic Doctor of the concerned Gram Panchayat. Petitioner prays for direction to issue letter of engagement in his favour based on the exercise made by the concerned Gram

Panchayat on 8th February, 2016. According to the petitioner, he was the suitable candidate amongst those who applied for being engaged as Homoeopathic Doctor.

Though no one is representing the respondents today but affidavit-in-opposition affirmed by Joint Block Development Officer, on 17th January, 2016 which is not available on record but the copy of the same has been provided by the learned advocate representing the petitioner wherein at page 22 a decision of Janasasthya-O-Paribesh Sthayee Samity, dated 1st July, 2016 has been annexed wherefrom it appears that the said committee refused to accept the engagement of the petitioner on raising certain issues relating to examining the eligibility of the petitioner vis-a-vis other candidates who made applications for being engaged as Homoeopathic Doctor.

During course of hearing this Court has come across a notification dated 23rd May, 1988 issued by the Secretary, Government of West Bengal Department of Health and Family Welfare wherein certain norms have been prescribed for engagement of Homoeopathic Doctor in the dispensaris attached to the Gram Panchayat. It has also been submitted on behalf of the petitioner that after 23rd May, 1988 certain other notifications were issued governing the engagement of Homoeopathic Doctors in the dispensary.

Since petitioner was primarily decided to be engaged as Homoeopathic Doctor of

Radhamohanpur Gram Panchayat, District-Bankura but his engagement was not finalised by issuing appointment letter the issue needs to be considered by the appropriate authority in order to decipher whether petitioner is entitled to be engaged on the basis of the steps taken by the concerned Gram Panchayat.

Accordingly, the Secretary, Government of West Bengal, Department of Health and Family Welfare being the respondent no. 2 is directed to take decision on the entitlement of the petitioner to be engaged as Homoeopathic Doctor within a period of 12 (twelve) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative and the representatives of Radhamohanpur Gram Panchayat as well as Janasasthya-O-Paribesh Sthayee Samity, Sonamukhi Panchayat Samity. The reasoned decision shall be passed by the respondent no. 2 and the same shall be communicated to the petitioner and the Radhamohanpur Gram Panchayat within two weeks thereafter.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Copy of the affidavit-in-opposition used on behalf of the State respondents shall be retained on record.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)