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Ct-08

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MAT 2366 of 2023

with
I.A No. CAN 1 of 2023

Dr. Krishnendu Saha & Anr.

Vs.

**The Principal Secretary, Department of Health & Family
Welfare, Government of West Bengal & Ors.**

Dr. Krishnendu Saha
Dr. Chandrama Prasad Verma
... For the Appellants (in person)

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal
... For the State

1. The appellants filed a writ petition questioning the selection process initiated by the Secretary & Controller of Examinations, West Bengal Health Recruitment Board for filling up the post of Homeopathic Lecturer.

2. The appellants are appearing in person. It is submitted by the appellants that an advertisement dated 16th October, 2023 was published in the website of the West Bengal Health Recruitment Board whereby it was mentioned that only online registration and submission of application would be allowed at the official website of WBHRB on and from 17th October, 2023 to 17th November, 2023. However, the link provided could not be opened in any manner. The writ petition was filed by the appellants for a direction upon the authorities

concerned to allow them to apply offline as the link could not be opened on removing age bar.

3. Learned Single Judge, in our view, has rightly declined to accept the writ petition on the ground that the said petition is required to be filed before the West Bengal State Administrative Tribunal.

4. The appellants appearing in person submit that the Administrative Tribunal was not functioning at the relevant point of time and this was ignored by the learned Single Judge.

5. However, as on date the West Bengal State Administrative Tribunal is functioning.

6. In the event the appellants file applications before the Administrative Tribunal with same and/or similar prayers and incidental prayers within a period of two weeks from date, we request the Tribunal not to insist for a separate application for condonation of delay and the prayer for interim relief may be considered as expeditiously as possible in presence of the state respondents having regard to the fact that when the application was filed in this Court, the Tribunal apparently was not functioning.

7. In view of the above, MAT 2366 of 2023 and CAN 1 of 2023 stand disposed of with the

aforesaid direction.

8. However, there shall be no order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar ,J.)

(Soumen Sen, J.)

