

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Ajay Kumar Gupta

M.A.T. 204 of 2023
with
CAN 1 of 2023
Nupur Goswami & Ors.
-Vs-
State of West Bengal & Ors.

For the Appellants : Mr. D. N. Roy, Adv.
Mr. Lutful Haque, Adv.
Mr. Nabankur Paul, Adv.
Mr. S. Sen Paul, Adv.

For the respondents : Mr. Hirak Barman, Adv.
Ms. Bedashruti Bose, Adv.

Heard on : 15.05.2024

Judgment on : 15.05.2024

Joymalya Bagchi, J. :-

1. Appellants are qualified nurses and had passed Auxiliary Nursing Midwifery (in short ANM) course. They were appointed as Health Assistants under the Directorate of Health Services, Government of West Bengal. In 2022 they appeared in the common entrance test for General Nursing Midwifery (in short GNM) course 2022 and were successful. But they were not given approval to pursue the course as trainee reserve by

the respondent authorities. Under such circumstances, appellants/petitioners approached the West Bengal Administrative Tribunal and the Tribunal directed the respondent No.3 to consider their prayer. By order dated 11.08.2023, the respondent No.3 declined their prayer, inter alia, on the basis of the decision that no further prayer for pursuing GNM through TR facility shall be entertained. Thereafter they have agitated their grievance before this Court. The learned single Judge observed that the decision of respondent No.3 ought to be challenged before the Administrative Tribunal.

2. Petitioners are employees of the State and seek admission to the course as trainee reserve and not open candidates. In the light of the aforesaid, decision of the learned Single Judge that their grievance ought to be agitated before the Tribunal cannot be faulted.

3. Needless to mention, the appellants/petitioners may avail of the liberty given by the learned Single Judge to approach the authorities for the next available session in accordance with law.

4. With this observation, appeal and the connected application are disposed of.

5. There will be no order as to costs.

I agree.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

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