

12.11.2025
(D/L-02)
Ct. No.4
(B.K.N.)

W.P.S.T. 41 of 2025
Subhadeep Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Atreya Chakraborty

...for the Petitioner

Ms. Sonal Sinha
Ms. Ashmita Chakraborty

...for the State

1. Heard learned advocate for the writ petitioner and the learned advocate representing the respondents.
2. The learned counsel for the petitioner submits that relying upon a signed statement of the Secretary, the West Bengal Administrative Tribunal (Tribunal for short) has proceeded to dispose of the Original Application No. 295 of 2021 filed by the applicant/petitioner, without looking into the issues raised by the writ petitioner/applicant. The Tribunal relying upon the signed statement has recorded a conclusion that the petitioner did not submit the certificate/testimonial in support of an essential qualification in the recruitment process being the practical training in manufacture of medicine.
3. The learned advocate submits that since no reply was filed by the respondents in the Tribunal the applicant was not allowed any opportunity to file any rejoinder.

4. The issue raised by the learned advocate for the writ petitioner is contested by the learned State counsel by submitting that the writ petitioner was declared unqualified in the recruitment process, for want of essential qualification being the practical training certificate.
5. Considering the rival submissions, and on going through the impugned order of the Tribunal dated 13.12.2024 passed in O.A. No. 295 of 2021, we find that merely acting on the signed statement submitted by the Secretary and Controller of Examinations the Tribunal has proceeded to record the conclusion regarding the petitioner not submitting the certificate. The Tribunal's order is apparently without complying with the principles of natural justice and without allowing the petitioner to meet the allegations. The procedural requirement was that the authorities were supposed to file a reply before the Tribunal stating their stand. The reply was to be filed after due service upon the applicant and an opportunity was to be given to the applicant to meet the stand of the respondent authorities, which apparently has not been done in the present case.
6. We, therefore, consider it appropriate that the matter be considered afresh by the Tribunal. We, therefore, remand the matter to the Tribunal

restoring the Original Application No. 295 of 2021 to its original file and numbers, to consider the same in accordance with law and in compliance with the principles of natural justice. To facilitate such consideration, the order dated 13.12.2024 passed in O.A. No. 295 of 2021 is hereby quashed.

7. The writ application is allowed in the above terms.
8. We make it clear that all issues raised in the O.A. No. 295 of 2021 are left open.
9. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)