

W.P.S.T. 115 of 2025

Dr. Suday Halder
Vs.
The State of West Bengal & Ors.

Mr. S. Ghosh,
Mr. M.N. Roy,
Mr. G. Haldar,
Mr. B. Nandy

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Id. AGP,
Mr. Somnath Naskar

...for the State Respondents

Mr. Ashok Kumar Chakraborty, Id. ASGI,
Ms. Amrita Pandey,
Mr. Ghanshyam Pandey

...for the Respondent No.4

1. The issue before us is whether on account of inaction by the State in issuing an NOC applied for by the petitioner on 13.05.2025 he can be deprived of his opportunity for participating as a candidate by making an application in response to vacancy notice for faculty posts in AIIMS, New Delhi pursuant to the advertisement dated 07.04.2025.
2. This matter was moved by the petitioner before the West Bengal Administrative Tribunal (hereinafter referred to as the 'S.A.T.') on the ground of urgency since the last date of submission of application is tomorrow (14.06.2025). The S.A.T. has fixed the matter (O.A. No. 323 of 2025) to be taken up on 18.06.2025 before the Chairperson.

3. In the circumstances, the motion was made seeking listing of the matter on the grounds of urgency since the petitioner would be deprived of his chance to make an application if he was to wait for the date fixed by the S.A.T. on 18.06.2025. The petitioner has moved the Court of first instance in terms of the decision of the Apex Court in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in **(1997) 3 SCC 261**. The effect of the date being fixed by the S.A.T. after the cut off date for making application, is as good as rejection of the petitioner's claim by the S.A.T.
4. It is under such circumstances, we have taken up the matter today.
5. In the first half, when the matter was taken up, the learned ASG was present in the Court, as well as the learned AGP on behalf of the State Government.
6. We asked them to take instructions with a view to safeguarding the petitioner's chance to make an application.
7. The learned counsels have come back when the matter is taken up again at 3:15 P.M.
8. The learned ASG has submitted on instructions received through WhatsApp, print out of which has been handed over to the Court and is being

retained in the records, that the AIIMS shall accept a provisional NOC issued by the concerned employer.

9. Since time is short, we express our appreciation for the steps taken by the learned ASG.
10. The learned AGP submits that he has tried his best to take instructions from the authorities but there is no instructions till now.
11. We, therefore, direct the respondent no.2 to ensure issuance of a provisional NOC forthwith so as to enable the petitioner to apply pursuant to the advertisement dated 07.04.2025 within the cut off date i.e. 14.06.2025.
12. The learned counsel for the petitioner will communicate this order to the authorities concerned for its immediate compliance.
13. The learned AGP should also immediately intimate the authority regarding this order.
14. The certified copy of the S.A.T.'s order dated 11.06.2025 is submitted by the learned counsel for the petitioner and is taken on record.
15. The parties are in agreement that substantially no issue remains in the present proceedings. The Writ Petition being No. W.P.S.T. 115 of 2025 stands disposed of in the above terms.
16. There will be no order as to costs.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.
18. Parties to act on the server copy duly downloaded from the official website of this Court.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)