

15.12.2025.
Item No. 13.
Court No. 4
ap

WP.ST 261 of 2025

**Dr. Prabhat Majee
Versus
The State of West Bengal & Ors.**

Mr. Biswarup Nandy.

...For the petitioner.

Mr. Sajol Kanti Bhattacharjee.

...For the respondent no.9.

Mr. Tapan Kumar Mukherjee,
Mr. Pinaki Dhole,
Mr. Somnath Naskar.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. Heard the learned Counsel appearing on behalf of the petitioner.
3. The writ petitioner has attained the age of superannuation on 31st March, 2024.
4. From the records it appears that there was an issue of some absence on alleged non-compliance with a transfer order, and some requirement of regularization of his period of unauthorized absence. It further appears that he was served with a memorandum proposing some action against him on 7th November, 2023. Thereafter, he has been released upon attaining the age of superannuation on 31st March, 2024.
5. All these issues have been raised and are pending in O.A. No. 641 of 2025 filed before the West Bengal Administrative Tribunal (Tribunal for short),

recently in this month itself. Immediately after filing the application, the petitioner has rushed to this Court praying that since no Member is available, this Court should take up the matter.

6. We are conscious of the legal position that in absence of a functional Tribunal, party cannot be left remedyless; and in appropriate cases of urgency which cannot await appointment of a Member before the Tribunal, this Court may be required to exercise jurisdiction in the matter.

7. Having regard to the various issues arising for consideration and since the petitioner has already approached the Tribunal, recently in this month itself and the matter can be decided only after exchange of pleadings, we do not find any case of immediate urgency requiring passing of any order. We leave it to the petitioner to avail his remedy in the pending original application being O.A. No. 1408 of 2014.

8. The writ petition is disposed of.

9. We make it clear that we have not made any expression on the merits of the matter.

10. There will be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)