

12.06.2025
Court No.1
Item No.14
[Milan, A.R. (Ct.)]

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPST 4 of 2025

**Runu Ghosh
versus
The State of West Bengal & Ors.**

Mr. Debabrata Karan,
Mr. Sankhasuvra Roy,
Mr. Debopriyo Karan,
Mr. Avimannu Das

....for the Petitioner

The petitioner is admittedly an employee under the Government of West Bengal and placed in the Health and Family welfare Department. The petitioner has been served with a memo of transfer and a release order from his present place of posting which is assailed in this judicial review. The petitioner did not approach the West Bengal Administrative Tribunal being the regular forum for ventilating his grievances alleging that the same is virtually non-operational as there is only a non-judicial member at the said Tribunal. It is true that the Hon'ble Supreme Court, in ***Roger Mathew vs. South Indian Bank Limited*** reported in **(2020) 6 SCC 1** has held that in the event the Tribunal is not operational, the aggrieved person may approach the jurisdictional High Court by invoking the writ jurisdiction under Article 226 of the Constitution of India.

In the instant case, since the petitioner alleges that the Tribunal is not operational and, as such has approached this Court directly, the petitioner was required to approach the Single Bench having jurisdiction under Group-VI of the Classification List. This application made for judicial review before the Division Bench, therefor, cannot be entertained since there is no order of the Tribunal which can be the subject matter of the judicial review.

The writ petition being WPST 4 of 2025 is, therefor, disposed of by granting the petitioner liberty to approach the appropriate forum. The petitioner shall be entitled to get benefit of the time spent from 3rd June, 2025 to till date i.e. on 12th June, 2025 for having prosecuted bona fide before a Court without jurisdiction.

(Arindam Mukherjee, J.)

(Partha Sarathi Chatterjee, J.)