

W.P.S.T. 106 of 2026

Dr. Somnath Pal
Vs.
The State of West Bengal & Ors.

Mr. Sankha Ghosh,
Mr. M. N. Roy,
Mr. G. Halder

...for the Petitioner

1. A relief regarding resignation not being accepted was raised by the writ petitioner before the West Bengal Administrative Tribunal ('Tribunal' for short), knowing well that the Tribunal was non-functional due to non-availability of any member.
2. The learned advocate for the writ petitioner relied upon decision of the Apex Court in the case of ***Roger Mathew Vs. South Indian Bank Ltd. & Ors.*** reported in ***(2020) 6 SCC 1***, to submit that the petitioner cannot be left remediless.
3. We appreciate such submission founded on decision of the Hon'ble Apex Court which is binding on this Court.
4. We are, however, unable to accept that the petitioner was left remediless. When the petitioner knew that the Tribunal was non-functional, it was open for him to approach the Single Judge Bench by filing a writ petition.
5. The learned advocate for the petitioner submits that since, there is no member in the Tribunal, at

present it would also be impossible for the petitioner to withdraw his Original Application bearing O.A. No. 106 of 2026, for availing relief before the Writ Court (Single Bench).

6. Considering such submission and the difficulty raised by the learned advocate for the writ petitioner, we dispose of the present writ petition as well as the Original Application bearing O.A. No. 106 of 2026, pending before the Tribunal, so as to enable the petitioner to avail remedy before the competent Forum in accordance with law.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)