

W.P.S.T. 109 of 2026

**Rakhi Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Sujit Kr. Rath,
Mr. Dwijadas Pattanayak

...for the Petitioner

Ms. Chandreyi Alam, Id. A.G.P.,
Ms. Kakali Dutta

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned advocate for the petitioner and the learned State advocate.
3. The petitioner is aggrieved by the fact that she was wrongly deprived of an appointment due to an erroneous consideration by the recruiting authority, since marks due to her for her post-graduate diploma in Health Care and Hospital Management was not granted. She approached the authorities. The authorities acknowledged such deprivation. The same was remedied by an office memorandum dated 12.09.2025, and she was allowed the recruitment.
4. The writ petitioner was of the view that since she had been deprived of the due marks on the basis of her qualifications; and the deprivation was not because of any fault on the part of the petitioner, at least she should have been granted notional benefits with effect from 15.02.2021, i.e. the date

on which the appointment was done in respect of the others, ignoring her legitimate claim.

5. It is under such circumstances that she filed an Original Application before the West Bengal Administrative Tribunal ('Tribunal' for short) and thereafter approached this Court by way of a writ petition.
6. It is not in dispute that in September, 2025, the Tribunal had already become non-functional for want of any member.
7. Under the circumstances, the writ petitioner was required to agitate her grievance before the Writ Court to be considered by the Bench dealing with service matters. Instead of availing such remedy, she has filed an Original Application before the non-functional Tribunal and thereafter approached this Court.
8. This writ petition, therefore, in our opinion is required to be disposed of with liberty to the petitioner to avail remedy before the Writ Court.
9. The Writ Petition is accordingly disposed of.
10. We make it clear that the present order may not be deemed to be an expression of the opinion of this Court on the merits of the matter.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)