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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11944 of 2026

Dr. Somnath Pal
Versus
State of West Bengal & Ors.

Mr. S. Ghosh
Mr. M. N. Roy
Mr. G. Halder
... For the petitioner.

Mr. Ajit Kumar Mishra
Ms. Joyta Dhar Chakraborty
Ms. Manisha Paswan
... For the State.

1. Affidavit of service as filed in Court today on behalf of the writ petitioner is taken on record.

2. By filing the instant writ petition, the writ petitioner prays for issuance of appropriate writ/writs against the respondent authorities, specifically the respondent no.2 authority, to accept the resignation letter dated 6th May, 2026, in order to enable him to join in the post of Additional Professor with the respondent no.5 authority.

3. At the time of hearing, learned counsel appearing on behalf of the writ petitioner at the very outset drawn attention of this Court to page 32 of the instant writ petition, being a copy of the No Objection Certificate, dated 31st December, 2025, as issued by the respondent no.4 authority whereby the writ petitioner was permitted to participate in the selection process for the post of

Additional Professor in the Department of Neonatology at AIIMS, Kalyani.

4. From page no.39 of the writ petition, being a copy of the memo dated 4th May, 2026, issued by the respondent no.5 authority, it would reveal that the writ petitioner was favoured with an appointment for the aforementioned post in AIIMS at Kalyani. He was directed to join within a month that is within 3rd June, 2026.

5. From page no.40 of the instant writ petition it would reveal that soon after receipt of the letter of offer of appointment, the writ petitioner approached the respondent nos. 2 and 3 authorities with a request to accept his resignation so as to enable him to join in the post of Additional Professor in AIIMS, Kalyani. It is submitted that despite submission of such resignation letter dated 6th May, 2026, the respondent nos. 2 and 3 authorities did nothing and as a result whereof there is every possibility that the writ petitioner would lose the opportunity of joining to the post of Additional Professor at AIIMS, Kalyani.

6. Per contra, learned counsel appearing on behalf of the respondents/State and its functionaries submits before this Court that despite communication has been sent to the functionaries of the State, no instruction has been received from the respondents/State and its functionaries with regard to release of the writ petitioner upon acceptance of his resignation. It is submitted on

behalf of the respondents/State and its functionaries that some more time is required to obtain such instructions.

7. On careful perusal of the materials as placed before this Court it reveals that the writ petitioner appeared in the interview process with the AIIMS, Kalyani, through proper channel and after obtaining No Objection Certificate from the respondent no.3 authority. Materials have been placed before this Court that the writ petitioner has been selected in the post of Additional Professor in the AIIMS at Kalyani, where he has been directed to join within a month from the date of issuance of memo dated 4th May, 2026, i.e. within 3rd June, 2026. Material has been placed before this Court that soon thereafter i.e., on 6th May, 2026 the writ petitioner submitted his resignation which was not acted upon and on the contrary the respondent nos. 2 and 3 authorities went for eternal slumber to take a decision. The inordinate, unexplained delay, in considered view of this Court may cause immense prejudice to the writ petitioner.

8. This Court thus while disposing of the instant writ petition directs the respondent no.2 authority to release the writ petitioner positively on or before 1st June, 2026, failing which it will be presumed that the writ petitioner has been duly released by the respondent no.2 authority.

9. The learned advocate-on-record of the respondent no.2 is directed to communicate the server copy of this order to the respondent no.2 forthwith and the

respondent no.2 is directed to act on the basis of the server copy of this order.

10. The time limit as fixed by this Court is peremptory and mandatory.

11. With the aforementioned observations and directions the instant writ petition is disposed of.

12. The parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)