

10. 17.02.2026.
Court No.04.
(Pritam)

WP.ST 237 of 2025.

Dr. Asish Kumar Mondal.
-Vs.-
The State of West Bengal & Ors.

Mr. Sankha Ghosh,
Mr. M.N. Roy,
Mr. B. Nandy,
Mr. Gaurav Halder.

.....for the petitioner.

Mr. Tapan Kr. Mukherjee, Ld. AGP.,,
Ms. Tuli Sinha.

....for the State respondent.

1. An order dated 18th June, 2025 issued under the signature of the Deputy Director of Health Services (Admn.) was the impugned communication before the West Bengal Administrative Tribunal (in short "SAT") in O.A.362 of 2025.
2. The Tribunal became non-functional on account of there being no member. Such situation was occasioned by retirement of the said member in September 2025. It is under such circumstance that the learned advocate for the petitioner relying on such decision of the Hon'ble Apex Court in the case of Rojer Mathew vs. South Indian Bank Ltd. & Ors., submitted that he is rendered remediless and

therefor the Court should exercise discretion under Article 226 of the Constitution of India.

3. We, thus, proceeded to consider the writ petition.
4. Mr. Mukherjee, learned Additional Government Pleader (AGP) submits that he has received instructions that the Government has decided to accept the petitioner's resignation, whereafter as per the prescribed procedure the State Vigilance Clearance has also been obtained. Certain other statutory formalities and obligations are pending, which are under active consideration as per communication dated 17th February, 2026 issued under the signature of the Additional Director and Senior Special Secretary, West Bengal.
5. In view of the submissions and after seeing the copy of the instructions as per communication dated 17th February, 2026, we are of the view that earlier order dated 18.06.2025, rejecting the petitioners' request for resignation has become redundant and nothing survives in the writ petition.
6. Therefore, pendency of the present proceeding would serve no useful purpose.
7. We are, however, not inclined to accept an open-ended assurance regarding obtaining any statutory clearance, or obligatory process being completed before the petitioner's release.

8. We direct that the authorities should ensure the completion of “obligatory procedures”, if any, within a period of 4 weeks from the date of receipt of copy of this order, failing which the petitioner would be deemed to have been released.
9. There is no dispute between the parties that in view of the present order being passed, nothing survives in the original application pending before the Tribunal. Accordingly, O.A. No.362 of 2025 also stands disposed of in these terms.
10. Urgent Photostat certified copy of this order, if applied for, be supplied upon compliance of all formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)