

23rd March, 2026

Item no.D/L 02
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 6841 of 2026**

In the matter of :

Dr. Sushanta Pal & Anr.

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Mr. Sudip Patra
Mr. Sourav Singh
Mr. Prem Prakash
Ms. Shruti Jain

....Advocates

For the State:

Mr. Swapan Kr. Dutta, Ld. G.P.
Mr. Shamim-Ul-Bari
Mr. N.S. Alam

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners intend to participate in the departmental promotional examination in WBMED-2025 which got initiated by the Directorate of Medical Education by a circular dated 1st December, 2025.
3. The circular mentions that the same is required to be circulated among all Medical Teachers in the institution and documentary evidences regarding serving the circular to all concerned must be kept in the office of the Principal/Director and be sent to the office of the DME, West Bengal whenever called for.
4. Specific case of the petitioners is that the said circular was not made known to them. Only after the notice of departmental promotional

interview was published by the Director of Medical Examination on 9th March, 2026 the petitioners got to know of the same.

5. Even though the last date of submission of online application expired way back on 12th December, 2025 but, the petitioners' claim that, the authority accepted the application seeking departmental promotion from the petitioners through the proper channel.
6. As there is no response from the end of the authority accepting the petitioners' application seeking departmental promotion, the instant writ petition has been filed.
7. The promotional examination is due to be conducted today for the subject Nuclear & Experimental Medicine from 2.00 P.M. to 5.00 P.M.
8. As an interim measure, the petitioners pray that they may be permitted to participate in the departmental promotional examination, however, subject to the result of the writ petition.
9. The maintainability of the writ petition has been challenged by the State respondents.
10. It has been submitted that the writ petition ought to have been filed before the Hon'ble Division Bench under Article 323A of the Constitution of India and not before the Single Bench.
11. It has further been submitted that the writ petition has been filed at a very delayed point of time. The counsel ought to be given time to obtain instruction from the department.
12. The issue of maintainability of the writ petition before the Hon'ble Division Bench is not accepted by the Court. In view of non-functioning of the State Administrative Tribunal, writ petitions are

being entertained by the Single Benches of this Court under Article 226 of the Constitution of India as the Court of first instance.

13. As the petitioners claim that they are the only candidates in the subject Nuclear & Experimental Medicine eligible to appear in the departmental promotional examination, accordingly, as an interim measure, the authority is directed to permit the petitioners to participate in the departmental promotional examination which is scheduled today from 2.00 P.M. to 5.00 P.M.
14. The result of the examination of the petitioners shall not be published and shall be kept in a sealed cover. The petitioners' appearance in the departmental promotional examination will not create any right and/or equity in their favour to be promoted.
15. The fate of the petitioners in the departmental promotional examination shall abide by the result of the writ petition.
16. Relist the matter for further consideration on 30th March, 2026.
17. Learned Government Pleader shall obtain specific instruction with regard to the circulation of the circular to the Medical Teachers and produce documentary evidences regarding serving the circular to the petitioners on the adjourned date. Instruction shall also be obtained as regards the eligibility of the petitioners to participate in the departmental promotional examination.
18. Learned counsel for the State is directed to communicate this order to the respondent authorities immediately.
19. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

20. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)