

S/L 5
21.9.2023
Court No.26
SD

WPA 8361 of 2023

Ashima Bhunia Barman
Vs.
Union of India & Ors.

Mr. Atarup Banerjee
Mr. Subhas Jana
Mr. Rajdeep Pramanik

...for the Petitioner.

Ms. Sipra Chanda

...for the Union of India.

Mr. Arka Kr. Nag

...for the State.

Heard counsel appearing on behalf of the petitioner.

It appears that a coordinate bench by an order dated April 25, 2023 had directed the respondent no.4 to file a report in the form of an affidavit by June 9, 2023. Till date, no such report has come on record. Even today when the matter called on, counsel appearing on behalf of the State-respondent is unable to produce any report before this Court.

Counsel appearing on behalf of the petitioner submits that by a notification dated September 8, 2023 contractual recruitment for various posts to be made in different health institutions in the district concerned. Such notification also includes hospital attendants.

It is the case of the petitioner that as per Memorandum dated May 3, 2021 issued by the Government of India had given certain benefits to the persons who had worked for at least 100 days for covid care. Clause 18 of the said Memorandum states as follows:-

“18. The State/UT Governments may also expeditiously fill vacant posts of doctors, nurses, allied healthcare professionals and other healthcare staff in Health and Medical departments through accelerated processes as soon as possible and positively within 45 days through contractual appointments.”

In light of the above, it appears that certain rights have accrued to the petitioner and she is required to be considered first for filling up the posts of health attendants.

In light of the same, the notification dated September 8, 2023 with regard to the health attendants only is stayed for a period of two weeks from date.

Let this matter appear before the appropriate Bench taking up these matters next week, subject to convenience of the Hon'ble Judge.

(Shekhar B. Saraf, J.)