

20.
25.4.2023
S.D.

W.P.A. 8368 of 2023

Rahim Ansari & Ors.
Vs.
Union of India & Ors.

Mr. Atarup Banerjee
Mr. Subhas Jana
Mr. Rajdeep Pramanik
Mr. S. Nandi
Ms. U. Banerjee

... For the Petitioners

Mr. Tapan Kumar Mukherjee, A.G.P.,
Ms. Debdooti Dutta

...For the State

Ms. Sipra Chanda

..For the Respondent No. 1

Mr. Banerjee, learned counsel appearing on behalf of the writ petitioners submits that under the guidelines issued by the Ministry of Health and Family Welfare, Government of India dated May 3, 2021, all Health Professionals were to be considered for giving preference in regular Government appointments in the event they completed a minimum of 100 days in COVID related duties. Pursuant to the said Memorandum, a writ petition was filed being W.P.A. 24640 of 2022. By an order dated November 29, 2022, this Court directed the representations of the petitioners to be considered and disposed of by a reasoned order by the

Mission Director, National Health Mission (NHM), Health and Family Welfare Department, West Bengal. The reasoned order passed on January 3, 2023 by the aforesaid authority is under challenge in the present writ petition. By the reasoned order, the Mission Director came to the finding that the petitioners do not come under the definition of Health Professionals or Allied Health Care Professionals and, therefore, cannot be considered for regular appointment. The impugned order relied on the guidelines of World Health Organization and also National Commission for Allied Health Care Provision Act, 2021.

Mr. Banerjee also draws the attention of this Court to the number of vacancies in the post of Sanitary Attendants available with NHM, Health and Family Welfare Department, Government of West Bengal vide Recruitment Notification dated June 3, 2022. He submits that the petitioners come under the definition of Health Care staff and not Health Care Professionals.

Mr. Mukherjee, learned Additional Government Pleader appears on behalf of the State respondents.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the necessary qualification required for the post of Sanitary

Attendants in serial no. 70 annexed to the list of vacancies to the Memorandum dated June 3, 2022 is required to be stated on affidavit for sub-serving justice.

Let such report on affidavit to be affirmed by the respondent no. 4/the Mission Director, NHM, West Bengal by June 9, 2023. Exception, if any, be filed by June 16, 2023.

Let the matter appear for further consideration under the same heading “**Motion**” on **June 20, 2023**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

(Lapita Banerji, J.)