

30.06.2026
Item No.1
S/L
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA/14734/2026
Dr. VIKRAM CHATURVEDI
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Kallol Basu
Mr. Suman Banerjee
Mr. Samik Sarkar

... for the petitioner.

Mr. Lokenath Chatterjee
Mr. S. Chatterjee

... for the State.

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities concerned to allow the petitioner to participate in the promotional process for the post of Professor of surgical oncology in the department promotion in WBMES 2026.
3. The petitioner is aspiring to participate in process for the post of Professor of Surgical Oncology as per advertisement dated 8th June, 2026.
4. The petitioner contends that he joined as RMO-cum-Clinical Tutor in the Department of Surgical Oncology, Medical College and Hospital, Kolkata on and from 28th November, 2011 in the Cadre of West Bengal Medical Education Service. As an RMO and Clinical Tutor the petitioner received higher training in the

specialised field of Surgical Oncology. After having received higher training in Surgical Oncology the petitioner was promoted in the rank of Assistant Professor at the Medical College *vide* order dated 6th July 2015, and subsequent thereto the petitioner was also promoted as Associate Professor at the Medical College, Kolkata and he joined in the said post on 27th November 2021. On 1st December 2025, the Director of Medical Education issued a Notification for departmental promotion for post of professor, Associate Professor and Assistant Professor. The petitioner faced problem while attempting to apply for such departmental promotion since the petitioner did not possess degrees of 'MCh' or 'DrNB'. The petitioner made a representation on 15th December 2025, for redressal of his grievance, however, since no fruitful response was received, the petitioner preferred a writ petition being WPST 269 of 2025. *Interim* order was passed in the writ petition allowing the petitioner to offer his candidature in the promotional process for the post of professor without creating any equity. Pursuant thereto the petitioner participated in the promotion process and appeared in the interview. In the interregnum another notification has been issued on 8th June 2026 in partial modification in the earlier notification on the subject. The petitioner could not submit the online application since the online portal

sought for post Doctoral Degree/DNB in the discipline. The petitioner intends to participate for promotional post of Professor in the discipline of Surgical Oncology.

5. Mr. Kallol Basu, learned advocate for the petitioner, at the outset, relying on the decision of Hon'ble Division Bench of this court passed in **Anindya Sundar Das v. The State of West Bengal & Others (Re: WPST 209 of 2025)** submits that since the West Bengal State Administrative Tribunal is non functional, the Single Bench having service determination/roster can take up issue relating to West Bengal Administrative Tribunal. Further, the petitioner is discharging his functions as an Associate Professor in the Department of Surgical Oncology. The petitioner joined in the medical College as RMO/Clinical tutor in the department of Surgical Oncology during its transition period i.e during the first ten years of the newly instituted super speciality course. The petitioner joined by dint of relaxation of qualification and experience during such transition period as enshrined in the minimum qualification in teacher in Medical Institution Regulation 1998 and Amended Regulation 2022. The right of the petitioner is also protected by the subsequent regulation namely Medical Institution (Qualification of faculty) Regulations, 2025. The petitioner was given a relaxation in furtherance of

State Government's Policy under the 1998 Regulations. Such relaxation was recognised even by later Medical Institutions (Qualifications of Faculty) Regulations, 2025. However, on account of structure of the online portal he is prevented from applying because he does not possess 'MCh' or 'DrNB' Degree. In order to participate against the earlier notification for a promotional post of Professor the petitioner approached this court in WPST 269 of 2025 wherein after considering all the relevant regulations the Hon'ble Court directed the authority concerned to allow the petitioner to submit application either online or offline. The petitioner seeks similar relief to participate against advertisement dated 8th June, 2026 for the promotional post of Professor. The last date of submission of such application being today i.e. 30th June, 2026. He seeks for appropriate orders enabling the petitioner to submit his application before the authority concerned.

6. Mr. Lokenath Chatterjee, learned advocate for the State respondents on the contrary submits that Medical Institutions (Qualifications of Faculty) Regulations, 2025 supersedes the earlier Regulations of 1998 and Regulations of 2022. Therefore, the petitioner who is not possessed of the requisite qualification is not entitled to participate. He seeks to file affidavit-in-opposition to the writ petition.

7. With regard to the aspect whether the present writ petition can be entertained by this Court, it would be profitable to reproduce the relevant portion of the judgment of Hon'ble division Bench in *Anindya sundar Das (supra)* as hereunder:

11. In another unreported Judgment, dated 19th December, 2025 in an Intra-Court appeal, MAT 2211 of 2025 (in the matter of Arnab Adhikari vs. The State of West Bengal & Ors.), the Co-ordinate Bench took note of a dysfunctional/non-functional West Bengal Administrative Tribunal in the State. Their Lordships were pleased to direct an Appropriate Regular Bench, that is, the Hon'ble Single Bench of this Court to hear out the matters since the Tribunal is not functional inasmuch as the party cannot be remediless. Consequent thereupon an Hon'ble Single Bench of this Court having service determination/roster took up the issue relating to the West Bengal Administrative Tribunal.

12. It may be noted that Runu Ghosh (Supra) was delivered at a point when the West Bengal Administrative Tribunal was functional. But, since as of date the Learned Tribunal is dysfunctional/nonfunctional, the instant Writ Petitioner can very well be relegated to the Hon'ble Single Bench of this Hon'ble Court, being the Appropriate Regular Bench, as per the Judgment dated the 19th December, 2025.

8. It has been informed by the learned advocates that the West Bengal State Administrative Tribunal is presently non functional. Bearing in mind the aforesaid observation of the Hon'ble Division Bench there cannot be any manner of doubt that the present writ

petition can be entertained by the Single Bench of this Court since the Tribunal is not functional inasmuch as the party cannot be left remediless.

9. In respect of an earlier notification dated 1st December 2025 of the Director of Medical Education for departmental promotion for post of Professor, Associate Professor and Assistant Professor, the petitioner faced problem while attempting to apply for such departmental promotion since the petitioner did not possess degrees of 'MCh' or 'DrNB'. The petitioner approached the Hon'ble Division Bench in WPST 269 of 2025 wherein after considering the Regulations of 1998, Regulations of 2022 and Regulations of 2025 the Hon'ble Court passed the following order:

"In view of our consideration above, we direct respondent no.2 to enable an application being submitted by the petitioner either online, or offline as per convenience of the respondent, on receipt/production of a copy of this order. The application would, however, create no equity in favour of the petitioner and such application and petitioner's participation in the process will be subject to result of the present writ petition."

10. In line with the aforesaid directions, respondent no.2, the Director of Medical Education, Directorate of Medical Education, Government of West Bengal is directed to allow the petitioner to submit his application through online on receipt/production of a copy of this order.

11. The application of the petitioner, however, would not create any equity in favour of the petitioner.
12. Such application and petitioner's participation in the process will be subject to result of the instant writ petition.
13. Respondent no.2, the Director of Medical Education, Directorate of Medical Education, Government of West Bengal is directed to open the portal enabling the petitioner submit his application.
14. Affidavit-in-opposition be filed by the State-respondent within a period of three weeks. Advance copy of such affidavit-in-opposition be served upon the learned advocate for the petitioner. Affidavit-in-reply, if any, be filed within two weeks thereafter.
15. List this matter after five weeks under appropriate heading before the Hon'ble court having determination.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)