

(2018) 05 CAL CK 0160
In the Calcutta High Court
Case No : Writ PetitionNo. 4870 (W) of 2018

Manas Neogy & Another

APPELLANT

Vs

State Of West Bengal & Others

RESPONDENT

Date of Decision : 08-05-2018

Acts Referred:

Citation : (2018) 05 CAL CK 0160

Hon'ble Judges : TAPABRATA CHAKRABORTY, J

Bench : Single Bench

Advocate : Md. Mokaram Hossain, Sanjoy Bhattacharya, Mizanur Rahamn,
Sandipan Maity

Judgement

The subject matter of challenge in the present writ petition is a notice for termination dated 22nd March, 2018 issued by the respondent no.6 intimating that the service of the petitioner no.1 would be terminated with effect from 23rd April, 2018 and the petitioner was also instructed to vacate the premises and to hand over the same to the Block Medical Officer of Health, Singur.

Mr. Hossain, learned advocate appearing for the petitioners submits that an agreement was executed amongst the Department of Health and Family

Welfare, Government of West Bengal and Advanced Immunogenetic Diagnostic Clinic and the petitioner no.1 for the purpose of running a diagnostic

clinic at Singur Rural Hospital under Public Private Partnership (in Short, PPP).

The said agreement is valid till 14.10.2019. Pursuant to the said agreement the petitioners were running diagnostic services since 2014. While

discharging such services, the petitioners faced different problems due to the inaction and non-cooperation on the part of the authorities. The

petitioners thereafter submitted an application under the Right to Information Act, 2005 (in short, the said Act) seeking answers to various queries.

As such information was not furnished, appropriate steps were taken under the said Act. Drawing the attention of this Court at page 117 to the writ

petition, he submits that the appellate authority ultimately passed an order on 20th March, 2018 with a direction upon the respondent no.6 to provide

answers to questions with necessary clarification, if required. Without complying with such directive, the impugned order dated 22nd March, 2018 was

passed and that too without granting an appropriate opportunity of hearing.

The petitioners' contention has been disputed by Mrs. Mookherjee, learned advocate appearing for the State respondents. She submits that

adequate opportunity was granted to the petitioners to appear before the concerned authority but the petitioners did not respond to the prior notices

and as the PPP laboratory was operating without supervision of a qualified person, the authorities were constrained to pass the order dated 22nd

March, 2018 was passed.

Prima facie it appears that without complying with the order of the appellate authority dated 20th March, 2018 directing the respondent no.6 to provide

the answers to the questions asked by the petitioners along with necessary clarification, the impugned order dated 22nd March, 2018 has been passed

terminating the service of the petitioner and issuing coercive direction upon the petitioner to vacate the premises.

For the reasons discussed above, the respondents are restrained from taking such coercive steps against the petitioner till the end of June, 2018 or until

further orders whichever is earlier. It is, however, made clear that this Court has not interfered with the direction towards termination of service. List

this matter for further consideration in the daily supplementary list of this Court on 12th June, 2018.