

30.06.2025
(D/L-33)
Ct. No.4
(B.K.N.)

**W.P.S.T. 112 of 2025
With
CAN 1 of 2025**

**Dr. Arkaprovo Roy
Vs.
The State of West Bengal & Others**

Mr. S. Ghosh,
Mr. M. N. Roy,
Mr. B. Nandy

...for the Petitioners

Mr. Vimal K. Shahi, Ld. AGP,
Ms. Pratiti Das

...for the State Respondents

1. Supplementary affidavit filed by the petitioner is taken on record.
2. The applicant's prayer for grant of a No Objection Certificate enabling his participation in the selection process for the post of Professor at AIIMS, Kalyani was considered by the Tribunal and an order was passed in O.A. 178 of 2025 on 13.05.2025 directing the authority to consider his representation for grant of No Objection Certificate.
3. The applicant's request for No Objection Certificate was not acceded to, and such prayer was rejected by the Director of Medical Education, West Bengal, by its order dated 10.06.2025 on a consideration that release of the applicant petitioner would adversely impact the patient care services in the State

Government, in view of the fact that there was insufficient number of doctors.

4. The same issue was considered by the Court earlier in the case of another doctor seeking No Objection Certificate, whose claim had been rejected on substantially the same grounds. This Court in the writ proceeding in W.P.S.T. 218 of 2024 had rejected such plea of the respondent State for disallowing No Objection Certificate.
5. When the matter was taken up last on 25.06.2025 we called upon learned AGP to seek instructions from the authorities that when the same issue has been decided against them, and in compliance of such decision passed in W.P.S.T 218 of 2024 they have complied with the direction by issuing No Objection Certificate to the other similarly situated, then why the petitioner is being made to approach the Court challenging an order on substantially the same ground, being insufficiency of doctors. We also raised an issue why the authority that considered and rejected the petitioner's claim did not take into consideration the order of this Court in W.P.S.T. No. 218 of 2024, in spite of specific direction of the Tribunal that claim was to be decided taking into consideration the order of this Court in W.P.S.T. No. 218 of 2024.

6. On a prayer made by the learned AGP we had adjourned the matter and fixed the same for today. When the matter is called on today we are informed that better sense has prevailed and No Objection Certificate has been issued in favour of the petitioner on 26.06.2025. The learned AGP has handed over a copy of the same, which is kept on record. The No Objection Certificate having been issued which fact is not denied or disputed by the learned counsel for the petitioner, the present proceedings has thus become infructuous.
7. The writ petition stands disposed of accordingly. Application being CAN 1 of 2025 is also disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)