

28
08.10.2026
Ct. No.6
P.A./A,P

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 760 of 2026
With
CAN 1 of 2026

Writanmoy Ghosal
v/s.
The State of West Bengal & Ors.

Adv. Bapi Sarkar
Adv. Roumyadip Saha
Adv. Prabhat Singha
...for the petitioner.

Adv. Jagriti Mishra
Adv. Radhika Agarwal
... For the State.

Inadvertent error has crept into the order passed on 7th October, 2026.

In the second paragraph of the order “Date Entry Operator” be read as “Data Entry Operator”.

The department is directed to incorporate the necessary correction accordingly.

This order be treated as part of the order dated 7th October, 2026.

Pursuant to the contention of the petitioner that the termination notice is de hors the law/rules, learned counsel for the State submits that the petitioner claimed to be suffering from mild depression for which a medical board was formed by

the hospital. The petitioner was requested to appear before the board on 23rd December, 2025. The board submitted a report on 31st December, 2025. A special medical board was constituted subsequently and the petitioner was directed to appear before the said board for assessment of his mental health on 28th April, 2026. The petitioner did not appear before the board on the said date. Learned counsel submits that it is a fact that no opportunity of hearing was granted to the petitioner prior to issuance of notice of termination. He seeks a direction upon the petitioner to appear before the medical board to be formed by the North Bengal Medical College on request of the authority for assessment of his mental health.

It is not in dispute that the notice of termination was issued without granting an opportunity of hearing to the petitioner. Even if it is held that the petitioner failed to appear before the subsequent board on the relevant date, he still deserved an opportunity of hearing before the notice was issued.

In view of the above, this Court is inclined to hold that the notice impugned ought to be set aside and the relevant authority be directed to revisit the issue in accordance with law.

Accordingly, the writ petition is allowed.

The notice of termination dated 24th July, 2026 issued by the Principal, North Bengal Medical College, being the 3rd respondent herein, is quashed/set aside.

In view of the request on behalf of the said respondent, a special medical board be formed by him and the petitioner be directed to appear before the board on the date and time fixed by the board.

The authority shall revisit the issue upon granting reasonable opportunity of hearing to the petitioner, in accordance with law.

Depending on the decision arrived at by the medical board, the concerned authority shall deal with the application submitted by the petitioner on 17th December, 2025 seeking assignment of lighter and less stressful duties.

As a consequence, the application being CAN 1 of 2026 is also disposed of.

There shall however be no order as costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)