

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XIII of 1990

**THE WEST BENGAL STATE HEALTH SERVICE
 (AMENDMENT) ACT, 1990.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 24th August, 1990.]

[24th August, 1990.]

An Act to amend the West Bengal State Health Service Act, 1990.

West Ben.
Act VII
of 1990.

WHEREAS it is expedient to amend the West Bengal State Health Service Act, 1990, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal State Health Service (Amendment) Act, 1990.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 25th day of May, 1990.

2. To sub-section (2) of section 6 of the West Bengal State Health Service Act, 1990 (hereinafter referred to as the principal Act), the following proviso shall be added:—

Amendment
of
section 6
of West Ben.
Act VII of
1990.

"Provided that any person holding a non-teaching post in such Medical College or other institution or the Hospital attached thereto on terms and conditions for practice may exercise an option for practice or non-practice without any change of post or designation within a period of ninety days from the date of coming into force of this Act or within such extended period as the State Government may by notification specify:

Provided further that any such person who exercises option for non-practice shall be allowed time, not exceeding six months from the date of exercise of such option, for winding up practice:

Provided also that if any such person does not exercise any option or exercises option for practice, he shall, within a period of one year from the date of coming into force of this Act, be transferred to a post in any other Hospital on terms and conditions for practice."

(Sections 3-5.)

Amendment
of
section 7.

3. In section 7 of the principal Act,—
- (a) for the words "such non-teaching administrative posts", the words "such teaching administrative posts" shall be substituted;
 - (b) after the proviso, the following proviso shall be inserted:—

"Provided further that notwithstanding anything contained elsewhere in this Act, any person holding a teaching administrative post included in the cadre of the West Bengal Medical Education Service shall be deemed to be a person holding a teaching post in the West Bengal Medical Education Service."

Amendment
of
section 12.

4. In section 12 of the principal Act,—
- (a) after the words "or the West Bengal Health Service, as the case may be:", the following proviso shall be inserted:—

"Provided that if any such person, appointed or deemed to have been appointed to a teaching post in the basic level in the West Bengal Medical Education Service, fails to be selected for promotion or recruitment to the post of Lecturer in the West Bengal Medical Education Service within a period of five years from the date of his appointment to a teaching post in the basic level in the West Bengal Medical Education Service, he shall, notwithstanding anything contained elsewhere in this Act, be liable to be transferred to a non-teaching post in the West Bengal Health Service:"
 - (b) in the existing first proviso, for the words "Provided that", the words "Provided further that" shall be substituted;
 - (c) in the existing second proviso, for the words "Provided further that", the words "Provided also that" shall be substituted.

Amendment
of
section 14.

5. In section 14 of the principal Act,—
- (a) after sub-section (2), the following sub-section shall be inserted:—

"(2A) Any person of the former West Bengal Health Service who may not be required to exercise any option under section 12, shall be appointed to a teaching post in the basic level, or to a post of Lecturer, or to any other teaching post, as the case may be, in the West Bengal Medical Education Service."
 - (b) in sub-section (4), for the words "non-teaching administrative posts", the words "teaching administrative posts" shall be substituted.

XIII of 1990.]

(Sections 6-9.)

6. In sub-section (1) of section 17 of the principal Act, after the words "teaching posts", the words ", or to the teaching administrative posts," shall be inserted.

Amendment of section 17.

7. After section 17 of the principal Act, the following section shall be inserted:—

Insertion of new section 17A.

"Seniority of persons appointed to teaching posts in West Bengal Medical Education Service.

17A. The seniority of persons appointed to the teaching posts in the West Bengal Medical Education Service and the *inter se* seniority between such persons shall be determined in such manner as may be prescribed."

8. After section 19 of the principal Act, the following section shall be inserted:—

Insertion of new section 19A.

"Transitory provision.

19A. Notwithstanding anything contained elsewhere in this Act, if the State Government is of opinion that it is necessary so to do in the public interest, it may, by order, elevate or promote any person holding a teaching post in the West Bengal Medical Education Service to a higher rank in such manner, and subject to such terms and conditions, as may be prescribed:

Provided that no such order shall be made after the expiry of a period of three years from the date of coming into force of this Act."

9. In the proviso to section 22 of the principal Act, for the words "two years", the words "three years" shall be substituted.

Amendment of section 22.