

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA- 229 of 2024

Dr. Debashis Borai -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Ms. A.P. Banerjee,
Ld. Advocates.

02
26.06.2024

For the State Respondents : Mrs. S. Agarwal,
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the impugned Memo. dated 27.03.2024 with a direction to the respondent authorities to allow the applicant to pursue the six months certificate course for the session 2023 under study leave.

Appearing on behalf of the applicant, Ms. A.P. Banerjee argues that the ground for rejection of her application that already 489 Officers have been allowed is not a valid ground. She points out in the letter which had regretted his prayer, the Deputy Director of Health Services (Admn.) has stated that 489 Officers have been allowed to pursue different courses as Trainee Reserve. Since her case is not related to Trainee Reserve, rather her application was for Study Leave, therefore, such reason is not tenable. Further, Ms. Banerjee also points out though she had applied earlier on 29.12.2023, after her application, two officers were allowed to proceed on Study Leave by orders dated 15.01.2024 and 29.01.2024. By regretting the prayer of this applicant but at the same time allowing others to proceed on Study Leave, Ms. Banerjee feels that the Department has shown clear prejudice against him and without any rhyme or reason.

Mrs. S. Agarwal, learned counsel submits that despite shortage of Medical Officers in the Department, it had to release a total of 489 of them to undergo different specialisation courses. Given the shortage of officers, the Department cannot afford to allow any more officers to proceed on Study Leave.

Having heard the submissions of the learned counsels, the Tribunal, observes that despite shortages of officers, a total of 489 of them have been

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allowed to undergo specialised courses during the last one year, however, it is surprising that this applicant in particular was disallowed for such Study Leave. Considering that already a large number of Medical Officers have been allowed to pursue higher studies under Trainee Reserve, the Tribunal directs the respondent No. 4, the Deputy Director of Health Services (Admn.) to reconsider the decision taken in the light of above observations within a period of thirty (30) days from the date of communication of this order and if, after such reconsideration, the Directorate allows the applicant to proceed on Study Leave for six (06) months, the same decision may be conveyed to the applicant.

Accordingly, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS