

**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 480 of 2024**

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

Serial No. and  
Date of order

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

02  
11.12.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant was selected by the Directorate of Medical Education through its notice dated 20.12.2023 to undergo 6 (six) months' training course on USG "The Fundamentals in Abdomino Pelvic-Ultrasonography; Level one for MBBS Doctors"- under PC & PNDDT, (Six Months Training) Rules, 2014. Since he was not allowed to join, the Tribunal passed a direction in OA 229 of 2024 directing the Dy. Director of Health Services (Admn.) to reconsider its decision. The Dy. Director passed a reasoned order regarding the following :

*"Now therefore, releasing the petitioner from his present place of posting would impede public services and the petitioner has chosen to pursue a course which does not fall under the purview of Super Speciality Disciplines, the undersigned regrets to inform that the prayer of the petitioner is hereby rejected after reconsideration."*

Submission of Ms. Banerjee is that despite being selected the applicant was not allowed to join the course, whereas from the same notice Dr. Somnath Ghosh and Dr. Prasenjit Sarkar appearing at sl. No. 2 & 4 were allowed to proceed on study leave to pursue the same course by order dated 15.01.2024 and 29.01.2024.

In terms of a direction of this Tribunal by order dated 11.11.2024, the Director of Health Services has passed one more reasoned order which was also communicated to the applicant on 26.11.2024. While rejecting the prayer of the applicant to allow him to join the course, the Director of Health Services has relied on the following two grounds :

- (i) Lack of adequate manpower in the Institution where he is presently working as a Clinical Pathologist,

Study Leave is granted only to those Medical Officers, who desire to pursue

**ORDER SHEET**

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Form No.

Case No. **OA-480 of 2024**

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**Vs.**

The State of West Bengal & Ors.

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courses in Super Speciality Disciplines.

Further, the order states that the course which the applicant has applied for - “The Fundamentals in Abdomino Pelvic-Ultrasonography; Level one for MBBS Doctors” does not fall under the purview of the Super Speciality category.

It is important for the Tribunal to know, out of the 36 Medical Officers selected to undergo this course by notice dated 20.12.2023 of Director of Medical Education, how many were actually allowed and released to undergo this course. Mrs. Agarwal has been advised to take instructions and update with this fact on the next date.

Let the matter appear under the heading “**For Orders**” on **16.12.2024**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS