

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - **OA 551 OF 2024**

**MD.SIRAJUL ISLAM - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

04  
20.12.2024

For the Applicant	:	Ms.D.Ghosh Advocate
For the State Respondents	:	Mrs.Saswati Bandyopadhyay 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mrs.S.Bandyopadhyay, learned counsel supporting the decision of the respondent authority submits that the applicant is presently posted as a M.O. (CCU) at MJN Medical College & Hospital, Coochbehar. Mrs.Bandyopadhyay, also submits that the total sanctioned post of Medical Officers (CCU) is only 8, but presently only 4 are in position. She has also submitted that as stated in the impugned Memo., the Department has already allowed 489 Medical Officers to pursue different post graduate courses. Therefore, further release of any Medical Officer will hamper the interest of medical sector in the State. Finally, Mrs.Bandyopadhyay also emphasises the point that leave, even study leave, is not a right of a government employee and granting of such leave is the sole discretion of the respondent authorities.

Ms.D.Ghosh, learned counsel submitted that study leave is governed by the West Bengal Service Rules, Part-1. Appendix No. 5, Rule-1, under the Study Leave chapter describes certain conditions to be

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fulfilled to be eligible for an employee to be allowed to proceed on study leave. Submission is that the applicant has fulfilled all these conditions and was eligible to be allowed to undergo study leave. Mrs.Bandyopadhyay, having heard the submissions of Ms.D.Ghosh, regarding rules which she quoted, prays for liberty to file a reply on behalf of the State respondents.

Let such reply be filed positively by the next date and a copy be served upon the other side. The applicant side, once such a reply is served, may also file rejoinder before the next date. Let the matter appear under the heading "For Orders" on 4<sup>th</sup> March, 2025.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR