

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble SAYEED AHMED BABA, Member (A)**

**Case No. – OA-610 of 2022**

**Dr. Reena De VERSUS – The State of West Bengal & Ors..**

Serial No. and  
Date of order

For the Applicant : Mr. S. Ghosh,  
Mr. A. Mitra,  
Learned Advocates.

04  
26.09.2022

For the State  
Respondents : Mr. G.P. Banerjee,  
Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Ghosh is not pressing prayer (a) which is the benefit of Lien as per West Bengal Service Rule-Part – I for a period of two years to study in National Health Services, U.K.

So far the prayer of Mr. Ghosh is concerned, Mr. Ghosh prays for a direction to the respondent to consider and issue “No Objection Certificate” to apply to National Health Services, U.K.

Mr. Banerjee submits that if a direction is given to the respondent regarding prayer (b) , the respondent will consider and dispose of the application as per rules.

After hearing the learned advocates for the parties and going through the records, it appears that the applicant by letter dated 23.08.2022 (Annexure-B) has inter alia prayed for “No Objection” for study in the UK. The relevant portion of the letter is

set out as follows :-

I, Dr. Reena De, Assistant Professor in the Department of Obstetrics and Gynaecology in Medical College Kolkata, would like to apply to the National Health Service (NHS), United Kingdom (UK) to work in Obstetrics and Gynaecology to gain some work experience and exposure in my field.

I would like to inform you for the same. Kindly grant me permission and oblige. “

On perusal of the aforesaid letter, it clearly transpires that the applicant has only prayed for permission for further study. The said representation has no whisper regarding her intention to get “Lien” or “Study leave”. Be that as it may, Mr. Ghosh, learned counsel has not pressed the prayer (a) at page 7 of the original application which relates to benefit of granting lien.

In view of the submission the said prayer (a) at page 7 of OA- 610 of 2022 is dismissed as not pressed. However, I make it clear that I have not gone into the merit of the said prayer (a). The said point as to the entitlement of the lien in respect of the applicant herein is left open for decision, if the applicant makes any prayer for lien before the concerned department.

So far as the prayer (b) is concerned, it is a fact that the Annexure-B being the prayer for NO Objection is pending for disposal before the respondent No. 3 which is to be disposed of in accordance with law.

Therefore, the respondent No. 3, Director of Medical Education is directed to dispose of the application for “No Objection Certificate” to study in National Health Services, United Kingdom by the applicant dated 23.08.2022 as per laws, circulars, notifications in force in this regard within a period of four weeks from the date of communication of this order downloaded from the official website of the Tribunal and the decision shall be communicated to the applicant herein within one week thereafter.

Accordingly, the present application is disposed of.

However, there is no order as to costs.

SAYEED AHMED BABA  
MEMBER (A)

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