

**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 764 of 2023**

**Malay Sarkar - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

02  
05.12.2023

For the Applicant : Mr. S. Samanta,  
Learned Advocate.  
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. 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.

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

In terms of this Tribunal's earlier direction in OA-694 of 2023, the respondent passed a reasoned order relating to the study leave of the applicant to pursue an M.Tech Course from an Institute titled J.I.S. College of Engineering under Maulana Abul Kalam Azad University of Technology (MAKAUT). Besides other reasons for regretting such application of study leave, the order also mentions that on an earlier occasion the same applicant had availed the study leave to pursue his B. Tech Course.

Mr. Banerjee submits that as per Rule 197 of W.B.S.R. Part –I, a govt. employee can avail study leave of two years maximum only once in his service life. Responding to the Rule 197 as quoted by Mr. Banerjee, Mr. Samanta, however, believes that Rule 3(a) of W.B.S.R. Part-I allows the Government to exercise its discretion and thus allow the applicant to pursue the M. Tech Course as his second study leave. Mr. Banerjee responds that such Rule is not applicable in the case of

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study leave.

Having heard the submissions of the learned counsels and considering the fact that the applicant had earlier availed such a study leave, further study leave is not admissible as per Rule 197 of W.B.S.R. Part-I. Further, it is also observed that this Tribunal in its order in MA-42 of 2015 (OA-243 of 2013) had directed that this applicant should not be allowed any study leave in future separately.

Since it is clear from the directions of the Tribunal in an earlier matter and also since the Rule is clear and specific that a study leave can be availed by a government employee only once throughout his service life, the Tribunal finds that the prayer in this application is not permissible under the existing rules, therefore, this application is disposed of without passing any orders.

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

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