

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 315 OF 2025

DR. ARIF MAHAMMAD - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Arka Maity, Mr. Danisuddin Abbasi, Learned Advocates
<u>2</u> 26.06.2025	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WPBAT/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 applicant has prayed for setting aside the impugned order dated 02.05.2025 issued by the respondent authority rejecting the applicant's request for grant of study leave to pursue the MD (Community Medicine) course.

Submission of Mr. Maity is that although the impugned order cites release of 333 officers to pursue different Post Graduate Courses, but on 15.05.2025 by several orders many more officers were allowed to proceed on study leave to pursue different courses. Attention has been drawn to the impugned memo No. A 2113 dated 02.05.2025 which has cited the ground of rejection as under:

"I am directed to inform you that your afore-mentioned prayer for allowing STUDY LEAVE has been considered and subsequently rejected by the competent authority on the ground that for the year 2024-2025, this Department has already decided to allow 333 officers of WBHS / WBPH&AS/WBMES cadre to pursue different post graduate courses.....to allow further officer from afore-said cadre to pursue post graduate course on availing STUDY LEAVE will create shortage of such officers in this Department which in return will hamper the rendering of patient care service as well as public interest."

Despite such order, the respondent authorities continued to release many more officers of above cadres under study leave to pursue different courses. Submission is, by such act of pick and choose policy, the respondent authorities

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have shown clear discrimination against this applicant.

Mr. Banerjee, learned counsel appearing on behalf of the State respondents has been advised to file a reply which will explain the point of discrimination as submitted by the counsels of the applicant. Let such reply be filed and copy be served and matter to appear under the heading "For Orders" on 11.08.2025.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

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