

**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 324 OF 2025**

**DR. SWAPAN MAJHI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Manujendra Narayan Roy,  
and Mr. Gaurav Halder,  
Date of Mrs. Priya Sasmal,  
order Learned Advocates

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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-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.

Leave, as prayed for, is granted to the learned counsel for the applicant to add the West Bengal University of Health Services as party respondent No.6 in the array of respondents.

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 course in "Respiratory / Pulmonary Medicine" at N.R.S. Medical College & Hospital for the session 2024-2025.

Submission of Mr. Roy 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*

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*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 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.

SCN.

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