

**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 19 OF 2025**

**KOUSIK RANJAN DHARA -Vs- THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and

Date of order

03

12.06.2025

For the Applicant

:

Mr. Goutam Pathak Banerjee  
Mr. S. Chatterjee  
Advocates

For the State Respondents

:

Mr. Gourav Haldar  
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.

The prayer in this application is for setting aside the impugned Order No. 6659 dated 10.12.2024. By this order, the Deputy Director of Health Services (Admin) conveyed the decision of rejecting his prayer for study leave to pursue B.Pharm Course.

By an application dated 26.10.2024, the applicant, a Pharmacist at Khejurberia RH, Purba Medinipore, had applied for study leave to pursue 3 years B.Pharm Course before the Director of Health Services. However, the respondent citing shortage of pharmacists, regretted his prayer for such study leave.

Mr.G.P.Banerjee, learned counsel appearing on behalf of the applicant draws attention to an order dated 03.01.2025 and submits that one Smt. Tanaya Chongder, a pharmacist at Ankri Shrirampur Rural Hospital, Hooghly, was allowed to proceed for 12 months study leave to pursue a similar course, M.Pharm. Submission is that the applicant's application for study leave was rejected on the ground of shortage of

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Pharmacists, but on the other hand, soon after such rejection, the respondent authority allowed another Pharmacist, Tanaya Chongder to proceed on study leave. By such action, the respondent authority has clearly demonstrated their prejudice against the applicant.

Mr.G.Haldar, learned counsel who has appeared on behalf of the State respondents confirmed that Tanaya Chongder was allowed to proceed on study leave.

Having heard the submissions of the learned counsels and after examination of the records, the Tribunal is constrained to find that the respondent authorities had taken two types of decisions. One, in the case of the applicant, his proposal for study leave was rejected citing shortage of Pharmacists and within less than a month, the same respondent authority allowed another Pharmacist to proceed on study leave, albeit pursuing a different course. Such action of the respondent authority does not go with the principles of natural justice by singling out the applicant and rejecting his application. It tantamounts to clear prejudice and biasness shown against the applicant. As a responsible officer of the Department, it is not desirable to take two contradictory decisions in respect of study leave.

Thus, the Tribunal has come to the conclusion that the impugned Memo. 6659 dated 10.12.2024 rejecting the study leave of the applicant to pursue B.Pharm is bad in law and quashable and therefore, quashed and set aside with a direction to the respondent No.2, the Director of Health Services to reconsider the prayer of the applicant to pursue his course B.Pharm under study leave and take an uniform decision by passing a reasoned order within two months from the date of communication of this order. The decision so arrived at in the reasoned

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order be communicated to the applicant within two weeks thereof.

The application is disposed of.

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

BLR