

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.320 of 2024

Smt. Priti Mog Choudhury

....Petitioner(s)

Versus

The State of Tripura and 4 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. K. Roy, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

03/05/2024

By means of filing the present writ petition, the petitioner has prayed for following reliefs:

- “i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing them, to transmit the records, relevant to the subject matter of this writ petition for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Letter dated 20.03.2024(Annexure-10 supra);*
- ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for mandating/directing them, to revoke/rescind the impugned Letter dated 20.03.2024(Annexure-10 supra), thereby releasing the salary in favour of the petitioner for the period from October, 2022 to January, 2023;*
- iii) Call for the records appertaining to this petition;*
- iv) After hearing the parties, be pleased to make the Rule Absolute in terms of i. & ii. above;*
- v) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;”*

Heard Mr. K. Roy, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

It is the case of the petitioner that she applied for Earned Leave on medical grounds to her competent authority and the competent authority forwarded the same prayer to the higher authority. The concerned higher authority directed the petitioner to appear before the Medical Board. It has also been brought to my notice that Sub-Divisional Forest Officer, Sadar Forest Sub-Division vide letter dated 07.12.2022 requested the District Forest Officer, West Tripura District, Agartala to approve her leave application on medical ground.

It is stated and submitted that the petitioner was being treated at the Panchakarma Research & Training Centre, Forest Department, Govt. of Tripura. However, she appeared before the Medical Board. According to the petitioner, the Medical Board did not examine her and only asked her to put her signature on certain paper and she put her signature.

On perusal of the report of the Standing Medical Board(*Annexure-5* to the writ petition) it is found that the Medical Board after careful examination and on going through the relevant treatment documents indicating her illness, opined that *“her illness leave period w.e.f. 15.06.2022 to 01.12.2022 total-170(One hundred seventy) days is unjustified.”* But, on perusal of the said report I find that the Medical Board has not assigned any reason as to why the claim of the petitioner as regards of her illness is unjustified.

In view of this, this Court requests the members of the Standing Medical Board to assign reasons as to why the application of the petitioner to sanction leave w.e.f. 15.06.2022 to 01.12.2022 is unjustified and submit its report to the concerned authority of the petitioner. The Standing Medical Board may examine the petitioner yet again, if necessary.

In the light of the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE

Snigdha

SAIKAT
KAR

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by SAIKAT KAR
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