

MAT 1808 of 2022
with
IA No. CAN 1 of 2022
CAN 2 of 2022

Union of India & Ors.
Vs.
Dr. Satyaki Mondal

Mr. Debapriya Gupta
.....for the Appellants

Mr. S.K. Mukherjee
Mr. S.K. Gangopadhyay
Mr. A.K. Chakraborty
Ms. S. Banerjee
.....for the respondent

Party/Parties is/are represented in the order of
their name/names as printed above in the cause-title.

Affidavit-of-service filed in Court today be kept
with the records.

The appellant is the Union of India/more
precisely the Central Reserve Police Force (for short
the *CRPF*).

The respondent No. 1 was the writ petitioner
before the Hon'ble Single Bench.

The respondent No. 1/the writ petitioner arrived
before the Hon'ble Single Bench with a writ petition
being WPA 11099 of 2022 seeking clearance from his
employer/ *CRPF* for pursuing the Post Graduate (*PG*)
Medical Course. Such permission was denied by the
employer/ *CRPF* on the ground that the writ

petitioner/respondent No. 1 to this appeal is facing a Departmental Proceeding.

It is the stand of the appellant/*CRPF* before this Court that the appellant must grant vigilance clearance to the respondent No. 1 for pursuing the *PG* Medical Course.

By the order dated 11th July, 2022 in the writ petition, the Hon'ble Single Bench, *inter alia*, directed the employer/*CRPF* to grant study leave as applicable to the writ petitioner/respondent No. 1. It was further directed that the continuance of the *PG* Course by the writ petitioner as an employee of the *CRPF* on study leave shall be subject to the result of the writ petition.

Mr. Gupta, learned Counsel appearing for the appellant/*CRPF*, submits that the appellant/*CRPF* is aggrieved by the order dated 16th August, 2022 passed by the Hon'ble Single Bench disposing of the writ petition simply by taking notice of the fact that the writ petitioner has been granted the provisional sponsorship certificate for pursuing the *PG* Course.

Mr. Gupta submits and, to the mind of this Court correctly so, that in terms of the order dated 11th July, 2022(*supra*), the grant of a sponsorship certificate does not end the issue raised in the writ petition. It is submitted that the entire process of permitting the writ petitioner to attend the *PG* Course pursuant to the sponsorship certificate is subject to

the result of the writ petition since the writ petitioner is admittedly facing a Departmental Proceeding from his employer. It is, therefore, submitted that the disposal of the writ petition by the order dated 16th August, 2022 without closure of all issues raised in the writ petition is not justified.

Mr. Mukherjee, learned Counsel appearing for the writ petitioner/respondent No. 1, submits that there are statutory provisions which permit the writ petitioner to be granted study leave for pursuing his *PG Course* Administrative instructions of the *CRPF* cannot take precedence over and above the statutory requirements.

Having heard the parties and considering the materials placed, this Court is satisfied with the stand taken by Mr. Gupta that the writ petition could not be disposed of by the order dated 16th August, 2022 without finally adjudicating the issues as noticed in the previous order also of the Hon'ble Single Bench dated 11th July, 2022.

Accordingly, the order dated 16th August, 2022 to the above extent stands set aside.

The parties shall be entitled to proceed in terms of the Order dated 11th July, 2022 subject to the result of the writ petition.

The writ petition be remanded to the Hon'ble Single Bench for a complete hearing on merits.

The Hon'ble Single Bench is requested to hear out the writ petition on merits.

MAT 1808 of 2022 with **CAN 1 of 2022** and **CAN 2 of 2022** stand accordingly **disposed of**.

Since affidavits are not invited, allegations made in the writ petition are deemed not to have been admitted.

All parties to act on a server copy of this order downloaded from the official website of the Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J)