

**28.02.2023**  
**DL-68**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 22522 of 2022**

**Dr. Subhajit Patra**  
**Vs.**  
**The Joint Secretary & Chairperson EC NIDL**  
**Govt. of India & Anr.**

Mr. Sanjib Dawn,  
Mr. Ranabir Banerjee  
....for the petitioner.

Mr. Sounak Bhattacharya,  
Mr. Chandra Nath Sarkar  
....for the respondents.

The petitioner is a Doctor at the National Institute of Orthopaedically Handicapped (NIOH) now known as National Institute for Locomotor Disabilities (NILD), (Divyangjan), Kolkata.

The petitioner's prayer for grant of study leave for a period of 12 months was turned down by the authorities concerned on the ground that only one out of two Residential Medical Officers working at NILD was competent to discharge the functions of the petitioner. Till such time a replacement of Residential Medical Officer was found in place and stead of the petitioner, the petitioner could not be released from the said post on study leave.

Pursuant to an advertisement published by NILD on January 2, 2023 in accordance with an order passed by this Court a suitable candidate was found

for being temporarily appointed to the post of Residential Medical Officer.

By written instructions dated February 1, 2023, the Deputy Director (Administration) intimated that one candidate was selected out of 3 candidates who appeared before the selection committee for an interview on February 3, 2023. Written instructions filed in Court today is retained with the records.

This Court finds that since a candidate has already been selected to temporarily fill up the post of Residential Medical Officer, there may be no further impediment in releasing the petitioner on study leave pursuant to the prayers made by him.

In the light of the discussions above, the representation dated April 28, 2022 may be considered by the Director, NILD/respondent no.2 herein or any authority designated by him. The said representation is to be considered within 4 weeks from date and the order to be communicated within 1 week of passing thereof.

With the directions aforesaid, **WPA 22522 of 2022 is disposed of.**

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

**(Lapita Banerji, J.)**