

18.12.2023
Sl. No. 58
Suman
Ct.No.238.

WPA 27040 of 2023

Rameswar Halder
Vs.
The State of West Bengal and Ors.

Mr. L. Haque
Ms. Taharima Khatun
..for the petitioner

Mr. Gourav Das
Ms. Rajyashree Mukherjee
..for the State

It has been submitted by the petitioner that he has secured a rank of 775 in "Joint Entrance for Lateral Entry" examination – 2023 conducted by the West Bengal Joint Entrance Examinations Board for B. Pharm course. He secured a seat at respondent No.8 in the counselling. His prayer for study leave, however, has been rejected by a communication from the Deputy Director of Health Services (Admn), West Bengal dated November 1, 2023.

The relevant part of the said order is quoted below:-

"I am directed to inform you that your application dated 14.09.23, for Study Leave to

pursue B. Pharm. Course has been rejected by the competent authority on the ground of:-

- 1. The B. Pharm. Degree is an Essential Qualification for the Recruitment in the post of Pharmacist of this department, as per extant Recruitment Rules for the post. Thus the proposed course of study, i.e. B. Pharm, shall not be of definite advantage from the point of view of public interest, as per clause, (3)(i) of Appendix No.5 of WBSR Part I.*
- 2. This will cause cadre or service difficulties owing to your absence on leave, as per clause, (6) of Appendix No.5 of WBSR Part I."*

Both the grounds as mentioned in the aforesaid order dated November 1, 2023 are vague. It is not clear that as to why the competent authority perceived that pursuit of higher education by a Pharmacist will not be a definite advantage for public interest. The order impugned also does not clarify how the absence of the petitioner will cause the service difficulties.

The competent authority simply quoted the language of WBSR Part I in the impugned order without indicating how in the facts of the petitioner's individual case, the said rules stand in the way of allowing his prayer for study leave.

In view of the matter, the order impugned dated November 1, 2023 is set aside with a

direction upon the Principal Secretary, West Bengal Health Services, Department of Health and Family Welfare to consider the prayer for study leave of the petitioner within a period of one week from the date of communication of this order. The reasoned order should be communicated to the petitioner immediately.

Accordingly, WPA 27040 of 2023 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)