

36 26.09.2024
NB Ct. 17

WPA 18047 of 2024

Md. Sirajul Islam
Vs.
The State of West Bengal & Ors.

Mr. Arka Kumar Nag,
Ms. Deboleena Ghosh.
...for the petitioner.

Mr. Swapan Kr. Datta Id.Sr.Adv.,
Mr. Dipankar Das Gupta.
...for the State.

Mr. Sunit Kr. Roy
...for the NMC.

Report filed on behalf of the respondent nos.1 to 5 and
Exception filed on behalf of the petitioner are taken on record.

Learned counsel appearing on behalf of the petitioner
submits as follows. The petitioner prayed for grant of Trainee
Reserve status for pursuing higher studies. Admittedly, he is
employed with the Directorate of Health Services. In the
alternative, the petitioner would have settled for Study Leave.
However, the prayer of the petitioner was rejected by an order
dated 17.05.2024 referring to the Rules regarding Trainee
Reserve and not to the Rules regarding Study Leave. The
petitioner has to get admitted in the course by March, 2025.
The Administrative Tribunal, at present, is not functioning in full
strength and in ordinary course, the petitioner's prayer in this
regard may not be decided by the Tribunal before March, 2025.

Learned counsel appearing on behalf of the State raises
a preliminary objection and submits that as per Section 15 (1) of
the Administrative Tribunal Act, the writ petition is not

maintainable. The petitioner, however, shall be at liberty to approach the Administrative Tribunal. In the event, there is any special exigency, an appropriate prayer may be made before the Tribunal to hear out the matter expeditiously.

It appears that the petitioner is a state government employee and Section 15 of the Administrative Tribunal Act would ordinarily act as an impediment before this Court in entertaining this application.

The Administrative Tribunal is functioning, albeit not in full strength, and is taking up matters regularly.

It also appears that in earlier, the petitioner had approached the Tribunal twice regarding service issues, including the question of study leave.

In view of the above, the writ petition disposed of by granting liberty to the petitioner to move the Administrative Tribunal.

If an application is made by the petitioner before the Administrative Tribunal in this regard within a fortnight, learned Tribunal is requested to consider the petitioner's case and dispose of the matter in accordance with law and as expeditiously as possible, preferably by March, 2025.

It is clarified that the merits of the case have not been gone into.

Parties to act on the server copy of this order downloaded from the official website of this Court.

(Jay Sengupta, J.)