

04.09.2025
Ct. No.4
Sl. No.2
akd

W. P. S. T. 133 of 2025

[Dr. Aniruddha Banerjee -Vs- The State of West Bengal & Ors.]

Mr. Bikram Banerjee
Mr. Arka Nandi
Mr. Sagar Dey
Mr. Ritwik Basu
... ... for the petitioner

Mr. Arjun Ray Mukherjee
Mr. Himadri Kumar Mahata
... ... for the State

- 1. Heard learned Advocate appearing for the applicant/writ petitioner as well as the learned Advocate appearing for the State-respondents.
- 2. The writ petitioner is a Veterinary Officer posted at Block Animal Husbandry Centre, Kalchini, Alipurduar. He made an application for grant of study leave to pursue a Ph.D. program in the Department of Veterinary Pathology at the West Bengal University of Animal and Fishery Sciences, Kolkata. The application was not being considered in spite of a report being submitted by his Head of office on 29.02.2024, which was of the following opinion :-

“ GOVERNMENT OF WEST BENGAL
Directorate of Animal Resources and Animal Health
Office of the Deputy Director, Animal Resources
Development & Parishad Officer, Alipurduar, Dooars Kanya,
Alipurduar

Memo No. 225/DD/ALIPURDUAR Date : 29.02.2024

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Answer : Dr. Aniruddha Banerjee can be spared for two (2) years study leave as Dr. Sk. Akib Javed has joined to the post of Veterinary Officer at ABAHC Mendabari vide Memo No. 44-AR & AH/3A-16/2023, Date : 05.01.2023. The charges of BAHC, Kalchini will be handed over to Dr. Sk. Javed in addition to ABAHC, Mendabari, in absence of Dr. Aniruddha Banerjee during his study leave.

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Sd/-
Deputy Director
ARD & PO, Alipurduar.”

3. The writ petitioner, therefore, had to approach the West Bengal Administrative Tribunal (*in short 'Tribunal'*) twice. The proceeding arising out of the second Original Application bearing O.A. 572 of 2024 was disposed of with the following directions :-

“Since the Respondent authority has neither considered nor communicated its decision to the applicant, the Respondent No. 5, the Director of Animal Husbandry & Veterinary Services is directed to consider and take the final decision on the proposal for grant of study leave to the applicant to undergo Ph.D. degree program from the Department of Veterinary Pathology, West Bengal University of Animal and Fishery Sciences as per rules. Such decision be taken within three weeks from the date of communication of this order and such decision be communicated to the applicant within one week thereof. The application is disposed of.”

4. Thereafter, the Head of the Department being the Director of Animal Husbandry & Veterinary Services, West Bengal has passed an order after affording an opportunity of hearing to the writ petitioner. The order is based solely on an assessment of the man power at the Kalchini Development Block. The Head of the Department has considered that there are two officers posted there and there being a shortage of human resource; and the overriding priority of the duties involved at the veterinary centre, it is not feasible to accord the applicant's prayer for study leave.

5. This order was put to challenge before the Tribunal in O.A. 136 of 2025. The Tribunal has rejected the Original Application. The order of the Tribunal dated 15.05.2025 passed in O.A. 136 of 2025 is the subject matter of the present proceeding.

6. We have heard the rival submissions of both the parties and upon consideration of the submissions and the study leave provisions contained in Appendix No.5 of the West Bengal

Service Rules (Part-I), we find that the conditions for grant of study leave have been specified by a general order issued under Rule 197 of the West Bengal Service Rules.

7. As per the Rules, when an application is made for study leave, it is to be considered by making an assessment of several relevant parameters. The authority is required to see whether the course, which the employee seeks to pursue, is a special course of study consisting of higher studies of specialized training in a professional or technical subject, having a direct and close connection with the sphere of his duty. The Rules further contain provisions as to the maximum period for which the study leave may be granted, the number of years of service as a pre-requisite to the application being made for study leave and a report regarding admissibility of the study leave from the Head of the office, amongst other requirements under the Rules.

8. In the present case, the Head of the writ petitioner's office has already submitted a report, which we have extracted above. The order of the Head of the Department rejecting the writ petitioner's claim is at variance with the report. That apart, we find that the order of the Head of the Department dated 07.02.2025 is without reference to any of the parameters on which assessment was required to be done in terms of the study leave rules contained in Appendix No.5. The order is, therefore, clearly unsustainable.

9. The authority is required to make a detailed consideration of the application and does not have absolute discretion to reject the same, in the way it has been done by the Head of the Department. The order is passed without considering the report

of the Head of the office and without considering the various parameters which are required to be considered under the Rules.

10. We, therefore, set aside the order dated 07.02.2025.

11. The writ petition is accordingly, allowed.

12. We further allow the writ petitioner two weeks time to make an application for his study leave and it is needless to mention that the authority is required to pass a reasoned and speaking order afresh in terms of the study leave Rules and the provisions contained therein considering the parameters applicable to the writ petitioner's claim.

13. We also make it clear that if such application is made by the petitioner within the time specified above, the Director of Animal Husbandry & Veterinary Services, West Bengal (respondent no.4) shall take a decision on the same expeditiously preferably within a period of eight weeks from the date of submission of the application by the writ petitioner.

14. Urgent Photostat certified copy of the order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)