

W.P.S.T. 206 of 2025

**Kousik Ranjan Dhara
Vs.
The State of West Bengal & Ors.**

Mr. D. N. Ray, Sr. Adv.,
Mr. Lutful Haque,
Ms. Taharima Khatun

...for the Petitioner

Mr. Amitava Chaudhuri,
Mr. A. Sarkar

...for the State

Mr. N. Roy

...for the WBJEEB

1. Heard the learned counsel for the petitioner as well as the learned counsel for the State. The Board is also represented.
2. The short issue arising for consideration is whether the order dated 12.08.2025 passed by the Director of Health Services, Government of West Bengal communicated under a letter dated 20.08.2025 rejecting the petitioner's request for study leave to pursue the B. Pharma course (3 years course) is sustainable or not.
3. The order was passed upon a consideration by the authority accorded pursuant to direction passed by the West Bengal Administrative Tribunal ('S.A.T.' for short) in O.A. No. 19 of 2025.
4. The petitioner claims that he qualified in the JELET exam for admission to a B. Pharma course and wanted to pursue the course. In spite of there being such urgency when the petitioner filed his

Original Application before the S.A.T. challenging decision of the Director dated 12.08.2025, the same was registered as O.A. No. 502 of 2025, but in absence of any member since the S.A.T. is non-functional, the same could not be considered by the S.A.T. and an order was passed by the Registrar on 09.09.2025 for listing of the matter for consideration on 06.01.2026 for admission.

5. It is under such circumstances that, left with no alternative, the learned senior counsel for the petitioner submits that this Court may accord consideration to the writ petitioner's grievance before the S.A.T.
6. We have thus proceeded to consider his submissions.
7. The learned senior counsel appearing on behalf of the petitioner submits that the Pharmacy Practice Regulations 2015 contains provisions in Regulation 9.2 wherein the nature of duties and obligation being performed by the pharmacist has been specified. The same involves promotion of rational use of drugs. It also requires updating the knowledge of drugs through continuous education programmes and therefore, acquisition of the B. Pharma Degree was in the interest of discharge his duties under the Regulation. The Director while passing the impugned order has not considered this aspect of the matter. He has

further taken us through the provision regarding study leave contained in the West Bengal Service Rules ('WBSR' for short). Copy has been annexed to the writ petition. Referring to the study leave rules, he submits that acquisition of B. Pharma is closely and directly connected with the work being discharged by the petitioner and therefore, in terms of the provision regarding grant of study leave contained in appendix 5 of the WBSR, the petitioner's claim for grant of study leave ought to have been allowed.

8. We have considered the submission of the learned senior counsel appearing for the petitioner and gone through the provisions contained in the Pharmacy Practice Regulations 2015 and the provision for grant of study leave.
9. The scope and object is clear from a plain reading of the provision relied upon by the learned senior counsel containing conditions for grant of study leave. The same reads:

"APPENDIX No.5

Study Leave

1. Conditions for grant of study leave—(1)

Subject to the conditions specified in this Appendix, study leave may be granted to a Government employee with due regard to the exigencies of public service to enable him to undergo, in or out of West Bengal India, a special course of study consisting of higher studies or specialized training in

a professional or a technical subject having a direct and close connection with the sphere of his duty.”

10. The heading of the provision relied upon reveals that the provision is to enable a Government employee having due regard to the exigencies of public service to undergo “*special course of study consisting of higher studies or specialized training...*”
11. From the impugned order passed by the Director, it is apparent that the Director has taken note of the fact that the two-year diploma course as well as the Bachelor Degree which the petitioner wants to pursue are recognised by the Government of West Bengal and both are the minimum requisite qualification for appointment as pharmacist. Therefore, the Director has in his order noted that acquisition of the degree of B. Pharma would not give any definite advantage to the department and no public interest would be served. The sum and substance of the consideration is that the degree sought to be pursued is neither a special course, nor a higher study, nor a specialized training in terms of the provisions contained in the study leave provision relied upon by the petitioner. The Director has further taken note of the fact that if such permission is accorded, the petitioner would remain absent from duty for three years which is

likely to hamper the smooth functioning of the health facility catering to a large population.

12. We find that Regulation 9.2 relied upon by the learned senior counsel for the petitioner, also does not in any way inure to his benefit so as to claim issuance of a direction for allowing him a study leave.
13. We find no infirmity in the consideration accorded by the Director by the impugned order dated 12.08.2025.
14. The writ petition is dismissed.
15. The Original Application bearing O.A. No. 19 of 2025 stands accordingly dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)