

WPA 16655 of 2025

Dr. Pinaki Bala
Vs.
The State of West Bengal & Ors.

Mr. Balaram Neogi
.... for the petitioner

Mr. Swapan Kumar Datta, Id G.P.
Mr. Rajat Dutta
.... for the State

Mr. D. N. Maiti
Mr. A. Santra
.... for the WBUHS

1. The petitioner is aggrieved that while in pursuing of a degree in Anatomy, in spite of making request, he has not been given the requisite study leave by the concerned authority.
2. Mr. Datta, learned Government Pleader, submits that the study subject (Anatomy), is not a clinical subject and hence no study leave can be granted to the petitioner.
3. Mr. Datta further submits that grant of study leave is not a matter of right. In fact, it is the absolute discretion of the concerned authority and the governing Rules do not permit such study leave to be granted.
4. The petitioner's request for study leave has been refused by the Deputy Director of Health Services

(Administration) on the ground that the petitioner who is employed as a medical officer in the Trauma Care Unit at the SSKM Hospital, Kolkata, will not be benefitted by a degree in Anatomy. Hence, study leave was accordingly refused.

5. Report filed by the State respondents and the exception thereto have been considered. The petitioner, in his exception, has referred to certain other medical officers, who are pursuing further education in clinical and non-clinical subjects. In so far as the persons, pursuing clinical subjects are concerned, they are not relatable to the petitioner. However, the persons, pursuing non-clinical subjects, have been given study leave, are similarly situated as the petitioner. Hence, the petitioner prays that he should also be given such leave.
6. Upon perusal of the records, other than a bare pleading at paragraph 8 of the exception to the report filed by the petitioner, there is nothing on record to show that study leave has been given to any medical officer pursuing further steps in a non-clinical subject.
7. However, the petitioner insists that such leave has been given.
8. Respondent no. 2 and/or his duly authorized officer/representative, will consider the case of the

petitioner in the light of the fact that any other medical office, similarly situated as the petitioner, pursuing further studies in a non-clinical subject, has been given leave or not. If such leave has indeed been given, the petitioner will also be entitled to such leave.

9. Let such consideration be done by April 15, 2026, upon communication of this order by the petitioner to the respondent no. 2.
10. Resultant consideration be communicated to the petitioner by April 20, 2026.
11. With the aforestated directions, the writ petition is, thus, disposed of.
12. There shall, however, be no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)