10 **25.11.2026**

**Ct. No. 18**

**Ab**

# IN THE HIGH COURT AT CALCUTTA
## CONSTITUTIONAL WRIT JURISDICTION
## APPELLATE SIDE.

## WPA 29721 of 2026

**Dr. Sipra Barman**
**Vs.**
**The State of West Bengal and others.**

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**Mr. Sankha Ghosh,**
**Mr. M. N. Roy,**
**Mr. G. Haldar.**

**... for the petitioner.**

**Mr. Pulakesh Bajpayee,**
**Mr. Subit Majumdar.**

**... for the State.**

1. The affidavit of service filed today is taken on record.
2. The petitioner is aggrieved that her application for study leave, without trainee reserve facility, has been rejected first on May 14, 2026 and again on September 21, 2026.
3. The petitioner has rendered service as Medical Officer in District Hospital, Jalpaguri. The petitioner had already taken a study leave along with trainee reserve and joined in service in February 2026. Thereafter she again sought for study leave to pursue higher professional degrees.
4. She has not, however, applied for trainee reserve facility and had only sought for study leave, which was refused on May 14, 2026 on the ground “You are under cooling period after completion of course, MS (Eye) on TR”.

5. The second refusal of September 21, 2026 has been rejected without assigning any reason.
6. There is no available Rule or provision to establish that there is indeed a cooling period once an incumbent has taken leave for pursuing studies or trainee reserve.
7. Though it is true that the successive study leaves opted for the petitioner are fairly close to each other in a given timeline, there is no such bar in the prevalent Rules.
8. In view thereof, the order dated May 14, 2026 and September 21, 2026 are set aside.
9. The concerned authority being the respondent no. 2 will reconsider the application of the petitioner for grant of study leave without trainee reserve facility for the maximum period, which can be given to the incumbent, if she is otherwise entitled to the same. If, however, there is any period of restriction to render minimum service, the same will apply to the petitioner and leave shall not be granted in violation of any prevalent Rules and Regulations pertaining to the petitioner.
10. The consideration should be made by the respondent no. 2 within a period of four weeks from the date of communication of this order.
11. With the afore-stated directions, the writ petition is disposed of.

12. There shall, however, be no order as to costs.

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

**(Reetobroto Kumar Mitra, J.)**