

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.399 of 2011

Smt. Paranananda Purkayastha,
W/o Late Madhusudhan Purkayastha,
Village and P.O. Bilthai, P.S. Panisagar,
Dharmanagar Sub-Division,
North Tripura District.

..... *Petitioner.*

- Vs -

1. **The State of Tripura,**
Represented by the Chief Secretary,
New Secretariat Complex, P.O. Kunjaban,
Agartala - 799006.
2. **The Secretary of the School Education,**
Government of Tripura, New Secretariat Complex,
P.O. Kunjaban, Agartala - 799006.
3. **The Director of School Education,**
Government of Tripura, Agartala - 799001.
4. **The Headmaster, Kanchanpur Class XII School,**
P.O - Kanchanpur - 799270, Kanchanpur Sub-Division,
District - North Tripura.

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S C DAS

For the petitioner : Mr. A Das Gupta, Advocate.

For the respondents : Mr. B Dutta, State Counsel.

Date of hearing & Judgment : 16.6.2015.

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ)

This writ petition has been filed by the widow of Lt. Sri Madhusudhan Purkayastha in which she has claimed that her husband has wrongly been shown to be absent without leave from 01.5.1985 till his death.

2. The undisputed facts are that Lt. Sri Madhusudhan Purkayastha was appointed as Assistant Teacher political science and posted to Kanchanpur Class - XII School in Dharmanagar. He joined the said post on 23.12.1980. He served there till 1985 and thereafter he proceeded on leave on 02.02.1985. This leave was for 90 days and valid till 01.5.1985.

3. The dispute starts at this stage. According to the petitioner, her husband had approached the headmaster immediately after 01.5.1985 for permitting him to join at the post but the Headmaster did not permit him to join at the post on the ground that his earlier leave application was still pending before the Director of Education and till some decision is taken on the leave application the headmaster could not permit her husband to join in the school. According to the petitioner, her husband kept writing to the headmaster and the last letter is dated 19.6.2002.

4. The petition has been filed on 6.9.2011. Admittedly, Lt. Sri Madhusudhan Purkayastha never attended the school from

February, 1985 till his death. The only document which has been placed on record to show that he wrote any letter is the letter dated 19.6.2002. According to the petitioner, her husband sent many letters in between. The husband was not an uneducated person. He was appointed as a '*Teacher*' to teach Class - XII and he was to teach political science and in all probability he should have been a post graduate. What was he doing from 1985 to 2002? There is not an iota of evidence except the bald statement of the widow that he was sending letters to the headmaster. It is impossible to believe that an employee who is out of job for 17 long years would not write a letter to the higher-ups and complain that his headmaster is not permitting him to join the job. Within a month or two of not getting salary the husband would have complained that he is not being paid his salary and would have written to the Director of Education etc. The stand of the respondents in the reply is that they never received any such letter except the letter dated 19.6.2002. It is also clear that the husband of the petitioner died in November, 2002.

5. From the aforesaid facts it is more than apparent that Lt. Sri Madhusudhan Purkayastha had abandoned his job in Kanchanpur and was residing somewhere else and made no effort to rejoin his duties and it was only in 2002 that he wrote this letter to the Director of High Education. This is not a case of termination of job. This is not a case of person being refused permission to join duty but this is a case of an employee not going to do his job and this is

voluntarily abandoning his job and therefore we find no merit in the petition which is, accordingly, rejected.

6. Not only do we find no merit in the petition but the same is also highly belated. No explanation worth the name has been given as to why the husband of the petitioner kept silent till 2002 and why the petitioner herself kept silent from 2002 to 2011.

The writ petition is accordingly dismissed.

JUDGE

CHIEF JUSTICE