

01.10.2021
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Sl. No. 24
Ct. No. 05

WPA 14883 of 2021
[Via Video Conference]

Smt. Shampa Gorai (Purakayastha)
-Vs.-
The State of West Bengal & Ors.

Mr. Bijoy Kumar Shaw
Mr. Tanmoy Basu
Mr. Arun Shaw

...for the petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

...for the State.

Writ petitioner is a special educator who could not attend her place of work for the period from 14th November, 2019 to 14th January, 2020 as it appears from the letter dated 18th March, 2020 issued by the District Education Officer, Samagra Shiksha Mission, Bankura addressed to the writ petitioner. By the said letter dated 18th March, 2020, writ petitioner was asked to explain the reason behind her absence during the said period and also writ petitioner was directed to submit an explanation within 31st March, 2020. It is submitted by learned advocate representing the writ petitioner that due to outbreak of Covid-19 as well as imposition of lockdown at the material point of time from the month of April, 2020 up to the month of July, 2020, she could not respond to the said letter dated 18th March, 2020 and ultimately submitted letter on 16th July, 2020 addressed to the District Education

Officer, Samagra Shiksha Mission, Bankura, page-38 of the writ petition. Pursuant thereto, it has been submitted on behalf of the writ petitioner that vide letter dated 21st July, 2020 the District Education Officer, the respondent No. 2, asked the petitioner to appear before the appropriate authority on 3rd August, 2020 at 12 noon for hearing for consideration of the explanation to be advanced on behalf of the writ petitioner in support of her absence during the period from 14th November, 2019 to 14th January, 2020. The grievance of the writ petitioner is that in spite of her appearance before the authority concerned till date, no formal order has been passed by the said respondent No. 2. It is submitted before this Court that due to complication relating to pregnancy, petitioner could not attend her place of work for the period from 14th November, 2019 to 14th January, 2020.

Mr. Suman Dey, learned advocate, appears on behalf of the State respondents and submits that due to failure on the part of the writ petitioner to submit relevant documents in support of her absence, no decision till date has been taken by the said respondent No. 2. Mr. Dey, learned advocate, has also opposed the prayer made on behalf of the writ petitioner regarding consideration of regularization of the period of absence of writ petitioner at this belated stage.

This Court has heard the learned advocates representing the writ petitioner as well as the respondent authorities.

Considering the submissions made on behalf of the parties, this Court directs the writ petitioner to submit all the relevant documents in support of her absence for the period from 14th November, 2019 to 14th January, 2020 before the respondent No. 2 by 8th October, 2021. If the documents are submitted by the writ petitioner in terms of the direction of this Court by 8th October, 2021, the respondent no. 2 on receipt of such documents, shall take decision within a period of 8 weeks from date of receipt of those documents. Before taking such decision, the respondent No. 2 shall give an opportunity of hearing to the writ petitioner upon serving due notice to her. The decision to be taken by the respondent No. 2 shall be communicated to the writ petitioner with a period of 2 weeks thereafter.

With the above direction, the writ petition is disposed of.

Affidavit-of-service filed in Court today be kept with the record.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)