

07.10.2021

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Sl. No. 05

Ct. No. 05

WPA 15066 of 2021
[Via Video Conference]

Debolina Mukherjee @ Debolina Das Mukherjee

-Versus-

State of West Bengal & Ors.

(Via Video Conference)

Mr. Anjan Bhattacharyya

Mr. Anita Shaw

.... for the petitioner

Ms. Sanghamitra Nandy

.... for the respondent No. 8

Writ petitioner is an assistant teacher in a Government aided secondary institution who took leave in the year 2016 and 2019 and travelled abroad. Writ petitioner prays sanction of leave which she availed in the year 2019 in view of the fact that decision has already been taken by the District Inspector of Schools(SE), Barrackpore, North 24 Parganas vide memo dated 30th July, 2021 whereby issue relating to sanction of leave was forwarded to the Board for taking final decision. The decision of the concerned District Inspector of Schools(SE) as contained in memo dated 30th July, 2021 was passed pursuant to the order passed by co-ordinate Bench on 21st October, 2020 on a writ petition being WPA 7586 of 2020 preferred by the writ petitioner herein. Writ petitioner has also challenged the said decision of the concerned District Inspector of

Schools(SE), Barrackpore, North 24 Parganas dated 30th July, 2021.

Ms. Nandi, learned advocate, appears on behalf of the Headmaster of Shree Mandhari High School(H.S.), North 24 Parganas, respondent No. 8 and submits that rightly the issue has been forwarded to the Board relating to grant of leave availed by the petitioner in the year 2019.

This Court has perused the decision of the District Inspector of Schools(SE), Barrackpore, North 24 Parganas page-163 to 164 of the writ petition and is of the view that the issue relating to sanction of leave in favour of the writ petitioner needs to be finally decided by the West Bengal Board of Secondary Education. The writ petitioner has approached this Court prematurely without waiting for the decision to come from the concerned authority of the Board.

Therefore, the writ petition is dismissed however this order shall not prevent the concerned authority of the West Bengal Board of Secondary Education to take decision on sanction of leave of the writ petitioner which was availed of in the year 2019 within reasonable time.

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.)