

Court No. 17

WPA 19830 of 2019

28.07.2021

(AD 239)

(S. Banerjee)

Ram Chandra Mishra

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Sunit Kumar Roy

... for the petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Suman Dey

... for the State

Mr. Himadri Sikhar Chakraborty

Mr. Debopriya Biswas

... for the respondent nos. 5 and 6

The primary grievance of the petitioner is that though his service has been approved by the concerned DI in a school namely, Vikram Vidyalaya (respondent no. 5 herein), the school is not allowing him to join duty after he took a long leave from 10th November, 2018 to 1st March, 2019. After 1st March, 2019 when he went to join school the school did not allow him to join. That is why he has filed this application for an order on the school for his joining there.

The school authority has submitted from the bar that the petitioner is a habitual absentee. It has also been pointed out to this court from Annexure P-4, the medical certificate, issued by one doctor in Lehariasarai, in an illegible handwriting, that this document is questionable.

However, this court is not entering into the dispute as to the medical certificate. I leave it to the school for checking and verification of the same. But the school cannot deny a staff, whose service has been approved, from joining the school, after coming back from leave. If the school has record that the petitioner is

a habitual absentee, the school has every authority to take steps against him. But it should not be a lawful act of the school that the school would not allow the petitioner to join after coming back from leave. Such an act is wholly illegal on the part of the school. No disciplinary proceeding has also been initiated by the school against the petitioner.

Hence I direct the school authority, being the respondent no. 5, to allow the petitioner to join his duties by seven days from date and the school authority has the liberty to take disciplinary steps against the petitioner if it is found that there is any ground to do so.

With this direction, the matter is disposed of.

(Abhijit Gangopadhyay, J.)