

04.01.2021

Item No.24
Court No.25
Avijit Mitra

W.P.A. No. 10540 of 2020 (Via Video Conference)

**In re: Panchali Guha
- Versus -
State of West Bengal & Ors.**

Mr. Amitabrata Roy,
Mr. Abhradip Maity
For the Petitioner
Mr. Supriyo Chattopadhyay,
Mr. Gourav Das
For the State respondents

Affidavit of service filed by the petitioner be kept on record. No one appears today on behalf of the school authorities.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is working in the post of an assistant teacher at Janai Bhagaban Debi Goenka Girls' High School (in short the said school). Due to examination and ailments of her minor daughter, the petitioner had to apply for child care leave. Some period of such leave was sanctioned by the Managing Committee of the said school. However, no steps were taken towards approval of the periods of leave as detailed in prayer (b) of the writ petition. Aggrieved thereby, the petitioner submitted repeated representations. By a letter dated 24th August, 2019, the president of the said school informed the petitioner that the leave could not be sanctioned due to non-cooperation of the headmistress. Such fact was reported

to the respondent no.4. By a memo dated 16th December, 2019, the respondent no.4 requested the petitioner and the school authorities to be present for personal hearing on 20th December, 2019. The petitioner duly appeared before the respondent no.4 on the scheduled date. As directed by the respondent no.4, the petitioner by a representation dated 26th December, 2019 submitted further documents. However, no final decision has been communicated by the said respondent no.4 till date.

Mr. Chattopadhyay, learned advocate appearing for the State respondents is unable to apprise this Court as to whether any decision has been taken by the respondent no.4 upon hearing the parties on 20th December, 2019 as per the memo dated 16th December, 2019. He submits that the issue may be relegated to the respondent no.4 for consideration.

In view thereof, the writ petition is disposed of directing the respondent no.4 to communicate the decision, if any, taken upon hearing the parties on 20th December, 2019, within a period of two weeks from the date of communication of this order.

In the event no such decision has yet been taken, the respondent no.4 shall consider the petitioner's representation dated 26th December, 2019, upon granting an opportunity of hearing to the petitioner and the school authorities and take a decision, in accordance with law and communicate the same to the

petitioner within a period of four weeks from the date of communication of this order.

It is made clear that this Court had not gone into the merits of the petitioner's claim and all points are kept open to be considered by the respondent no.4.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)