

28-07-2022
ct no. 13
Sl. 17
sp

WPA 6258 of 2022
Madhumita Mukherjee
-Versus-

State of West Bengal & Ors.

**Mr. Samrat Chowdhury,
Mr. Debarshi Bramha,
Mr. A. Dey**

.....for the petitioner

**Ms. Sanghamitra Nandy,
Mr. Suman Dey**

..for the State

Ms. Saswati Chatterjee

...for the WBBSE

**Mr. Ajit Kumar Mishra,
Mr. Abhishek Acharya**

...for the respondent no.5

Affidavit of service filed in Court today is
taken on record.

The petitioner is aggrieved that her
application for medical leave on exceptional
circumstances in terms of the Leave Rules of the
Board dated September 12, 1955, has not been
acceded to. The petitioner claims to be suffering
from a severe orthopedic condition relating to
her hip. The petitioner claims that she may
undergo hip treatment surgery in August, 2022.

Counsel for the school submits that the
petitioner's conduct has been far from
satisfactory. Since after joining the school, the

petitioner has been on unauthorized absence on a number of occasions.

The school has adopted a resolution, stopping her salary from June 2022, for various reasons and reference has been made to the Board in this regard.

This Court is of the view that the school has taken a decision in the matter, but without a proper medical opinion. The school shall, therefore, verify the medical condition of the petitioner through an independent person, preferably, the DMOH of the area. Upon receiving medical opinion as regards the medical condition of the petitioner, the school shall take an appropriate decision in terms of the Leave Rules of the Board and forward the same to the West Bengal Board of Secondary Education. The Board shall, in turn, take a decision on sanctioning of extraordinary leave and also on any other matter including compulsory retirement on medical grounds in terms of the applicable Rules.

The proposed decision of the school and the Board, shall be communicated to the petitioner.

It is expected that the aforesaid exercise shall be completed by the school and the Board, within a period of 8 months.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)