

20.05.2022
Ct. 5
D/L 9
ab

CPAN 375 of 2020
in
WPA 3527 of 2019
With
IA No. CAN/1/2020 (Old No. CAN/4480/2020)

Smt. Minakshi Khan
-Vs-
Smt. Paromita Roy & Ors.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das

... for the applicant/petitioner

Ms. Koyeli Bhattacharyya,

... for the alleged contemnor no. 1

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roychoudhury

... for the alleged contemnor no. 2

Mr. Raju Bhattacharyya,

... for the alleged contemnor no. 3

By the last order dated 6th May, 2022, the Court had noted that the respondents were trying to shift the onus from one to the other; the alleged contemnors being the Headmistress and the Board. Taking note of the situation, the suggestion of the learned counsel representing the parties was accepted and the parties were accordingly directed to meet the Board on 13th May, 2022 at a designated hour for a hearing by the Board. The Board was also directed to ensure that the hearing given is in compliance of the direction passed

by this Court and further that the hearing is to be given within seven days from 9th May, 2022.

Learned counsel appearing for the Board places an order of the President of the Ad hoc Committee of the Board dated 13th May, 2022 which contains the findings of the Board. It appears from the said document, that the Board found that instead of 115 days Special Leave, the petitioner is entitled to 92 days Special Leave with pay. The reason for such finding is given in the said Order. The Board, however, directed the Headmistress to send the corrected resolution of the Managing Committee to the Board along with a forwarding letter for the approval of the Board.

After considering the submissions made by learned counsel on behalf of the parties, this Court is of the view that the finding of the Board may be correct on facts, namely that the petitioner is entitled to 92 days Special Leave. However, the Board has no authority or discretion to ask for a fresh resolution from the school when it is under a direction to comply with the order of Court. The direction passed by this Court on 6th May, 2022 was only for the Board to give a hearing to the parties for the purpose of ensuring that the direction passed by this Court is complied with. The Court on 26th June, 2019 had directed the concerned respondent to release the arrear salary of 115 days to the petitioner

in terms of the Resolution dated 11th March, 2014 of the Managing Committee of the school.

Almost three years have passed since the order passed by this Court but the alleged contemnors continue to flout the direction. The Board is hence directed to forthwith give effect to the order dated 13th May, 2022 and ensure that the admissible dues of the petitioner for 92 days Special Leave is released in favour of the petitioner within ten days from today. If there is any further non-compliance by the alleged contemnors the petitioner shall bring such fact to the notice of the Court.

The alleged contmenor no. 3, namely, the Headmistress is directed to correct the Leave Register of the petitioner and send all relevant papers to the Board within five days from today.

CPAN 375 of 2020 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)