

MAT 1743 of 2022
with
IA No. CAN 1 of 2022

(The Head Mistress, Joka Bratachari
Vidyasram Girls' High School & Anr. Vs.
Uma Acharya & Ors.)

Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Adv.
Mr. Raju Bhattacharyya
Mr. Sambuddha Dutta
Mr. Shamit Dutta

..... For the appellants

Ms. Koyeli Bhattacharyya

..... For the Board

Mr. Malay Kumar Singh
Mr. Rakesh Singh

..... For the State

Ms. Uma Acharya

.... Writ petitioner (in person)

Pursuant to the earlier order of this Court, Mr. Bhattacharyya, learned senior advocate appearing for the appellants has placed before this Court a compliance report filed by the appellant no.1, in the form of an affidavit. Let the same be kept on record.

A perusal of the said affidavit reveals that the Managing Committee of Joka Bratachari Vidyasram Girls' High School has adopted a resolution on 19th November, 2022 granting 271 days of Child Care Leave in favour of the writ petitioner, namely, Smt. Uma Acharya.

The appellant no.1, who is personally present in Court today, undertakes that the service book will be

updated and regularized and handed over to the writ petitioner within two weeks from date.

Since the Child Care Leave has been sanctioned and as the appellant no.1 undertakes to update and regularize the writ petitioner's service book and hand over the same to the writ petitioner, the grievance of the writ petitioner stands redressed.

From the order impugned, it appears that before arriving at any finding as regards the alleged guilt of the appellant no.1, the District Inspector of Schools (Secondary Education), South 24-Parganas was directed not to pay any salary to the appellant. A further direction was issued upon the Board to initiate a disciplinary proceeding against her together with an observation that *'the Board shall have liberty to talk to the special officer and also the petitioner before framing the charges'*. By the said order it was also directed that *'any amount that may be spent in future in connection with this matter by the school is to be realized from the said Headmistress'*.

Before initiation of any proceeding and issuance of any order in the same, the appellant no.1 has been penalized. We do not find any reason towards issuance of such directions, which severely affects the rights of the appellant no.1.

In view thereof, the order impugned in the present appeal is set aside.

The Child Care Leave has already been granted to the writ petitioner and the appellant no.1 has undertaken to return the service book of the writ petitioner upon updating and regularizing the same. Since the grievance of the writ petitioner, as ventilated through the writ petition, stands redressed, no further order is required to be passed in the writ petition being WPA 18883 of 2018 and the same is also disposed of.

We have been informed that the appellant no.1 is not getting her salaries since the month of September, 2022. As we have set aside the order impugned in the present appeal, the District Inspector of Schools (Secondary Education) is directed to immediately start disbursement of the monthly salaries of the petitioner. The said District Inspector of Schools shall also refund the salary withheld pursuant to the order impugned in the present appeal, within a fortnight from date.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)