

26-06-2023
ct no. 13
Sl. 2
sp

WPCRC 118 of 2023
In
WPA 10425 of 2021
Sukla Panja (Rajak)
-Versus-

Mr. Ramanui Ganguly & Anr.

Mr. Rafiqul Islam,
Ms. Manika Sarkar

.....for the petitioner

Mr. Suman Dey,
Ms. Sayantane Bhattacharjee

...for the Headmaster

Ms. Koyili Bhattacharyya

...for the W.B.B.S.E.

1. This Court finds both, the President of the West Bengal Board of Secondary Education and the Headmaster of the school, equally irresponsible. The teacher in question was absent for more than 11 years from the school.
2. A plain reading of Rule 11(1) of the Leave Rules of the West Bengal Board of Secondary Education would indicate that a teacher, absent for a continuous period exceeding 5 years, is deemed to have resigned from service unless the Headmaster of the school recommends any special reason to the Board to treat the

absence of the teacher and condone the same.

3. The Headmaster and the President of the West Bengal Board of Secondary Education have been passing the buck between each other by reference to Rule 11(1) of the Leave Rules of the WBSE.
4. The issue has been stuck in red tape as a consequence of the sheer callousness of the President of the Board and the Headmaster. The students have suffered for 11 years.
5. The school has explained the management's stand but has chosen not to make any recommendation as to whether they want the teacher to serve in the school and whether the Board should condone or consider condonation of 11 years of absence.
6. The President of the Board has behaved in a pathetically bureaucratic manner despite letters from the Headmaster. He ought to have explained and sought specific instructions from the Headmaster.
7. Ms. Bhattacharyya, learned counsel appearing for the Board submits that there ought to have been resolution from the managing committee of the school.
8. In the above process, the students of the school have been deprived of a teacher for

11 years. The responsibility of the writ petitioner has been saddled on other teachers.

9. It is plain, simple and clear that the school does not want regularization of the 11 years of absence of the petitioner.
10. The teacher Sukla Panja (Rajak) shall be treated as having resigned from the school from the day she absented herself from the school.
11. The Headmaster of the school as well as the President of the West Bengal Board of Secondary Education are warned against such callous conduct in future.
12. The contempt application shall stand disposed of.
13. The reports of the President of the West Bengal Board of Secondary Education and the Headmaster are kept in record.
14. The personal presence of the Headmaster is dispensed with. Rule, if any, shall stand discharged.
15. In the event the petitioner has any other claim for employment, condonation of absence or any right to rejoin the school, she may agitate the same in accordance with law, if otherwise permissible.
16. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)