

19.07.2024
SL No.30
Court No.13
(SSS)

**WPA 6825 of 2024
With
CAN 1 of 2024**

**Santi Ghosal
Vs.
State of West Bengal and Ors.**

Mr. Arindam Chattopadhyay

....For the Applicant.

1. Recall of the order dated 16th July, 2024 is sought.
2. Learned Counsel for the DPSC submits that for the period from 22nd January, 2011 to 5th August, 2012 has been paid salary.
3. Admittedly the petitioner during which she was absent, as evident from her communication dated 6th August, 2014.
4. This Court directs the Commissioner School Education to first decide upon the aforesaid absence either by adjustment of medical leave or in any manner permitted under the applicable rules. Since the petitioner could not have been paid salary without a decision on the aforesaid leave, the

petitioner cannot claim the benefit of the decision of the Supreme Court in the case of State of Punjab vs. Rafiq Masih (White Washer) & Ors. Reported in (2015) 4 SCC 334,

5. Let a decision be taken by the CSE in this regard within a period of 12 weeks of communication of the copy of this order. The order dated 16th April, 2024 directing refund of the sum of Rs.2,14,859/- shall remain in abeyance and abide by any decision that CSE may take in this matter.

6. Let the Commissioner School Education be added as a party respondent in the impugned writ petition and the CAN application.

7. The matter is disposed of. Let a copy of this order be served on the CSE along with a copy of the amended writ petition and CAN application.

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

(Rajasekhar Mantha, J.)