

01-05-2024  
ct no. 13  
Sl. 6  
sp

WPA 9650 of 2022  
Smt. Munmun Ghosh  
-Versus-  
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,  
Mr. Priyabrata Batabyal  
...for the petitioner

Mr. Biswabrata Basu Mallick,  
Mr. Biman Halder  
...for the State

Mr. Ratul Biswas,  
Mr. Kaushik Chowdhury  
....for the DPSC, Howrah

Mr. Kaushik Chowdhury  
...for the WBBPE

1. The Chairman, DPSC, Howrah has indicated that he does not have the power to condone 1288 days of unauthorized absence.
- 2.** In those circumstances, this Court directs the Commissioner of School Education to take a decision on the unauthorized absence of the petitioner, either in the form of break in service or extraordinary leave without pay or any other measure that is permissible under the rules of the WBBPE. In the event the applicable rules of WBBPE or the DPSC do not permit the

same, the Commissioner of School Education shall take a decision based on the rules of the State Government.

- 3.** The Commissioner of School Education shall bear in mind the observations made by this Court made on 22<sup>nd</sup> April, 2024 and the interim order dated 3<sup>rd</sup> March, 2015 passed in WP 4590 (W) of 2015 in this regard.
- 4.** Let a decision be taken by the concerned authority, within a period of one month from date and communicate the same to the petitioner. The petitioner may personally be heard.
- 5.** Mr. Biswabrata Basu Mallick, learned counsel is requested to represent the Commissioner of School Education in the matter. His appointment shall be regularized by the office of the legal remembrancer.
- 6.** This order may be communicated to the Commissioner of School Education by Mr. Mallick.
- 7.** For the aforesaid purpose, the Commissioner of School Education shall not be influenced by the order already passed by the Chairman, DPSC, Howrah.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)