

23.08.2024
Court No. 18
Item No.194 (ML)
(Suvendu)

WPA 12222 of 2023

Arati Hansda
-Versus-

The State of West Bengal & Ors.

Mr. Soumik Ganguly
Mr. N. Touhid
.....for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
.....for the WBBSE

Mr. Anjan Bhattacharyya
.....for the School Authority

Mr. Jahar Dutta
Mr. Bipin Ghosh
.....for the State

Affidavit of Service filed on behalf of the
petitioner is taken on record.

Matter relates to Child Care Leave in
favour of petitioner who is working as an
Assistant Teacher in Labnapara High School,
Paschim Bardhaman.

Learned advocate representing the
petitioner has drawn attention of this Court to
page 71 of the writ petition wherefrom it appears
that the Deputy Secretary (Academic), West
Bengal Board of Secondary Education by issuing
memo dated 24th March, 2023 has expressed
that for two reasons Child Care Leave

application of the petitioner could not be decided. Firstly since it was found that in spite of endorsement was made by the concerned District Inspector of Schools in the enquiry report as contained in memo dated 14th October, 2022 that the school authority informed the Board for approval of Child Care Leave of forty-seven days on post facto basis but the Board did not receive any such prayer from the school authority and secondly there was discrepancy with regard to period of leave availed of by the petitioner which needs to be treated as Child Care Leave for the purpose of sanction.

Therefore, it appears that in spite of effort being made by the concerned authority of the Board decision could not be taken on the issue relating to sanction of Child Care Leave in favour of the petitioner.

During course of hearing, Mr. Bhattacharya, learned advocate representing the said school authority has drawn attention of this Court to leave application of petitioner dated 24th December, 2019 wherefrom it appears that petitioner prayed for Child Care Leave for the period from 3rd February, 2020 till 20th March, 2020.

Learned advocate for the petitioner on the contrary has submitted that such leave had to be availed of by the petitioner since petitioner's son appeared in Madhyamik Examination, 2020.

On perusal of the leave application dated 24th December, 2019, it appears that there should not be any doubt with regard to the period of leave since it has been stated in the leave application that petitioner applied for leave from 3rd February, 2020 to 20th March, 2020.

Notwithstanding not forwarding of proposal for sanction of leave by the said school authority, the President of the Board is directed to take decision on leave application of the petitioner dated 24th December, 2019 by six weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the said school authority or their representatives. A reasoned decision to be taken by the President of the Board shall be communicated to the parties by two weeks thereafter.

This order is passed directing the President of the Board to decide the Child Care Leave application of petitioner since the said school authority has failed to take decision on

the said leave application within a reasonable time.

After decision is taken by the President of the Board petitioner shall be at liberty to take steps seeking sanction of eighteen years service benefits, in accordance with law.

Accordingly, the writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings

(Saugata Bhattacharyya, J.)