

21.05.2024
Item No.19 DL,
Court No.18,
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 14268 of 2024

**Abhishek Kumar Upadhyay
-Vs-
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana.
... for the petitioner.

Mr. Dipanjan Dutta,
Mr. Varun Raj Tiwari.
... for the State.

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

Affidavit-of-service filed on behalf of the petitioner be
kept with the record.

Leave is granted to the learned Advocate for the
petitioner to add the Managing Committee of Howrah Hindu
School, a Government sponsored school as a party respondent
to the writ petition.

The petitioner is a Clerk (Group C Staff) at the
aforesaid school. He was absent in his duty for the period from
April 13, 2017 to August 24, 2022, i.e. more than five years. The
added respondent treating the said absence as unauthorized
had adopted a resolution proposing initiation of disciplinary
proceeding against the petitioner and had sent it to the West
Bengal Board of Secondary Education, the respondent no.4
herein for approval and further steps.

The President of the ad-hoc committee of the Board,
the respondent no.5 herein by an undated order which was
communicated to the petitioner on April 15, 2023 had disposed
of the referred issue with the following observation(s):-

“(a)Sri Abhishek Kumar Upadhyay (Clerk) is directed
to submit a proper leave application to the school
authority along with all supporting documents.

- (b) The school authority is instructed that the absence of Sri Upadhyay from 13.04.2017 to 24.08.2022 (more than 5 years) may be referred to the Board together with leave application, resolution of the Managing Committee and all supporting documents for due consideration.
- (c) Sri Abhishek Kumar Upadhyay (Clerk) is hereby censured with a warning that a repetition of the same offences will attract more stringent action as per Rules.
- (d) The school authority is instructed to make the necessary entry regarding the official censure in the service book of Sri Upadhyay.”

The petitioner in terms of the said order has submitted a leave application to the school authority. The grievance of the petitioner is that his such application has not yet been attended to.

The School Authorities are not represented in spite of service.

The added respondent is directed to dispose of the said application of the petitioner in accordance with law as expeditiously as possible preferably within a period of six weeks after reopening of the school following its ongoing summer vacation and shall thereafter forward its decision to the Board for follow-up actions.

WPA 14268 of 2024 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)