

11.07.2024
Court No. 18
Item No. 01
(Suvendu)

WPA 16544 of 2024

Prithwis Das
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Shreyeta Mitra
.....for the petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Ranjan Saha
.....for the State

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

Mr. Saibal Acharya
Mr. Manoranjan Jana
Ms. Mitali Jana
.....for the School Authority

Matter is taken up for consideration in terms of the order dated 4th July, 2024 when a report has been submitted by the District Inspector of Schools (SE), Purba Medinipur dated 10th July, 2024 enclosing a letter dated 8th July, 2024 issued by the Assistant Inspector of Schools (SE), Contai Sub-Division namely Mr. Anurup Manna addressed to the District Inspector of Schools (SE), Purba Medinipur.

Copy of the said report dated 10th July, 2024 is taken on record.

On perusal of the report it appears that petitioner was allowed to resume his duty being an Assistant Teacher in Kalindi Union High School (HS), Purba Medinipur on 8th July, 2024 at 10.30 a.m. in presence of the said Assistant Inspector of Schools (SE), Contai Sub-Division. In the letter dated 8th July, 2024 Assistant Inspector of Schools (SE), Contai Sub-Division has also indicated facts relating to availing of leave by the petitioner and making application on medical ground seeking sanction of leave.

It needs to be recorded herein that the Court has not called for any report on sanction of medical leave by the aforesaid school authority from the Assistant Inspector of Schools (SE), Contai Sub-Division; he was only entrusted with responsibility to remain present at the time of resumption of duty of petitioner and report to the concerned District Inspector of Schools in the event petitioner faces any difficulty at the time of resumption of his duty and the same should have been placed before this Court for further consideration. The Assistant Inspector of Schools (SE), Contai Sub-

Division is expected to know that power to approve leave lies with the concerned authority of the West Bengal Board of Secondary Education and it is not within the domain of the concerned District Inspector of Schools or any sub-ordinate officer who is working under the District Inspector of Schools.

The concerned District Inspector of Schools is directed to caution the said Assistant Inspector of Schools (SE), Contai Sub-Division not to transgress his limit in submitting report before the Court. His report should be restricted as per direction given by the Court.

It has been submitted by the learned advocates representing the petitioner and the aforesaid school authority that after resumption of duty petitioner is discharging his duty with effect from 8th July, 2024 and it has been assured on behalf of the school authority by Mr. Acharya, learned advocate that there would not be any difficulty in discharging duty by the petitioner being an Assistant Teacher.

With regard to other issues relating to sanction of medical leave as prayed for by the petitioner, it has been fairly submitted on behalf

of the school authority that till date no decision has been taken by the said school authority.

In absence of any decision taken by the school authority, this Court does not find any need to make observation on the leave application which has been made by the petitioner.

However, it is recorded that the aforesaid school authority shall be at liberty to take decision on the leave application of the petitioner in accordance with law.

With the aforesaid observations and direction, 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.)

