

DL - 07
12.09.2024
Ct No. 18
S.D

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20596 of 2024

Tinku Mondal
Vs.
The State of West Bengal & Ors.

Mr. Syed Mansur Ali
... for the petitioner.

Mr. Susanta Pal
.....for the State respondent no. 5.

Ms. Saswati Chatterjee
.....for the W.B.B.S.E.
Mr. Suman Dey
Ms. Priyanka Jana
...for the State.

Affidavit of service filed on behalf of the
petitioner today is taken on record.

Petitioner was an Assistant Teacher in
Baranagar Vidyamandir for Girls, Kolkata (for short
“first school”) and she was transferred to Sumodpur
Junior High School, District – South 24 Parganas on
obtaining release order from her first school.

Learned advocate representing the petitioner
submits that the last date of tenure of the petitioner in
the first school was 3rd February, 2020 and
subsequently on receipt of service documents
including service book, petitioner found that leave
during service period which was availed of was not
regularized by the first school authority which
triggered the present writ petition.

Today matter is heard in presence of the learned advocates representing the Board, State respondents and first school authority.

During the course of hearing, notice has been drawn to a letter of the petitioner dated 10th May, 2024 addressed to the administrator of first school requesting sanction of certain periods of leave as delineated in the said letter dated 10th May, 2024.

It is also found that the administrator of the first school and the then teacher-in-charge jointly decided to make recommendation for regularizing leave of the petitioner upon treating the same as special leave. Such decision was taken by the administrator and the teacher-in-charge on 25th November, 2020, which is at page 33 of the writ petition.

In view of the aforesaid facts, leave is granted to the petitioner to make a representation to the President, West Bengal Board of Secondary Education seeking regularization of leave which was availed by the petitioner during her tenure as Assistant Teacher in the first school and such representation to be made by a fortnight from date.

If a representation is made by the petitioner within the aforesaid time, the President of the Board being respondent no.9 is directed to take decision

on the representation of the petitioner by eight weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner and the administrator of Baranagar Vidyamandir for Girls, Kolkata. At the time of taking decision respondent no. 9 shall also take into consideration the decision taken by the first school authority on 25th November, 2020 to make recommendation for regularizing the leave upon treating the period as special leave.

The respondent no. 9 shall pass a reasoned decision and the same shall be communicated to the petitioner and the school authorities of Baranagar Vidyamandir for Girls as well as Sumodpur Junior High School, District South 24 Parganas.

With the aforesaid observations, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)