

W.P.A. 22059 of 2023

**Dola Nag
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. Imtiaj Uddin

...for the Petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Nirmalya Roy

...for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

...for the WBBSE

Mr. Anjan Bhattacharya

...for the School

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

Matter is heard in presence of the learned
advocates representing the petitioner, school authority of
Dumurdaha Dhruvananda High School (H.S.), District:
Hooghly (hereinafter referred to as 'the said school'),
State respondents and West Bengal Board of Secondary
Education.

Grievance of the petitioner centers around letter
dated 2nd December, 2022 issued by the Headmaster of
the said school whereby the school authority refused to
sanction leave availed of by the petitioner during her
tenure as Assistant Teacher of the said school. Petitioner
worked in the said school up to 9th September, 2021

being the date when the petitioner was released by the concerned District Inspector of Schools (S.E.), Hooghly to join another school. By the said letter dated 2nd December, 2022 said school authority made calculations for refund to be made by the petitioner for enjoying leave unauthorizedly.

Learned advocate representing the petitioner submits since she is no more a teacher of the said school and working in another school by regularizing the leave statement of the petitioner upon sanctioning leave relevant document should be forwarded to the present school of the petitioner for updating her service book.

Learned advocate representing the said school authority has made submission based on letter dated 2nd December, 2022 which is at Page 92 of the writ petition.

Learned advocates representing the concerned District Inspector of Schools (S.E.) and the West Bengal Board of Secondary Education have jointly submitted that since the said school authority being the first authority to take decision on leave application of the petitioner therefore, a formal decision is required to be taken by the said school authority with regard to sanctioning leave and regularizing the leave statement.

Having taken note of such submissions made on behalf of the concerned District Inspector of Schools (S.E.) and the West Bengal Board of Secondary Education, at this stage, this court is neither directing

the concerned District Inspector of Schools (S.E.) nor the President of the West Bengal Board of Secondary Education to decide on sanctioning leave in favour of the petitioner in connection with petitioner's service in the said school.

The Headmaster being ex-officio Secretary of the Managing Committee of the school being respondent no.5 is directed to decide the issue of regularizing leave statement of the petitioner on sanctioning leave by eight weeks from date. Before taking such decision it will be open to respondent no.5 to request the petitioner to appear before him, if any clarification is required regarding the leave availed of by the petitioner. Petitioner shall be put in seven day's prior notice for her appearance before respondent no.5

The decision to be taken by the respondent no.5 shall be communicated to the petitioner by one week thereafter. This court expects sympathetic stand would be taken by the respondent no.5 for updating the service book of the petitioner since petitioner has taken transfer from the said school to another school.

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

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)