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rkd Ct.18

W.P.A. 24193 of 2024

Sumana Chanda

-vs-

The State of West Bengal & Ors.

Mr. Bratim Kumar Dey,
Ms. Anjana Banerjee

....for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder

....for the State.

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

Matter is heard at length in presence of the
learned advocates representing the petitioner and
the State respondents.

However, the school authority is not
represented.

Petitioner prays for sanction of Child Care
Leave for the period from 27th August, 2024 to 30th
September, 2024 for a period of 35 days after
availing of 40 days leave till the end of July, 2024
i.e. in the same academic session.

It is submitted on behalf of the learned
advocate representing the petitioner that the
decision taken by the school authority of Kali
Kamala Vidyapith for Girls, Kolkata whereby
application of the petitioner seeking further
sanction of Child Care Leave has been spurned, is

erroneous in view of the memo dated 13th January, 2016 issued by the Secretary, Higher Education Department, Government of West Bengal.

On behalf of the petitioner reliance is placed on the memo dated 13th January, 2016 in order to substantiate the case made out in the writ petition for sanction of Child Care Leave for a period of 35 days during August-September, 2024.

Mr. Basu Mallick, learned Additional Government Pleader is representing the State respondents who has opposed the prayer of the petitioner also based on the Government Memo dated 13th January, 2016.

It is submitted that sanction of Child Care Leave depends upon the decision to be taken by the school authority where petitioner is presently working and since the petitioner has already availed of 40 days Child Care Leave till the month of July, 2024 further sanction of Child Care Leave rests upon the decision of the school authority which ought to be in consonance with the said Government Memo dated 13th January, 2016.

Having considered the respective submissions made on behalf of the parties and on perusal of the decision of the aforesaid school authority dated 5th September, 2024 whereby

prayer of the petitioner to sanction Child Care Leave for a period of 35 days has been refused, it appears that one of the reasons assigned by the aforesaid school authority to refuse the prayer of the petitioner is she being a single teacher in Physical Science in the school already took 40 days Child Care Leave in the same academic session.

In order to appraise the decision of the said school authority as contained in the letter dated 5th September, 2024 this Court requires to consider the Government Memo dated 13th January, 2016 wherein it has been specifically provided in Clauses (X) and (XI) that the leave sanctioning authority should ensure that not more than one employee (teachers or non-teaching) of a particular department/faculty/office is granted such leave during the same time so as to ensure that there is no disruption or disturbance in the conduct of duties/service.

Clause (XI) also stipulates that a separate roster at the beginning of the year is to be maintained by the sanctioning authority and at the time of sanctioning the leave the classes assigned to the incumbent concerned should not suffer.

Therefore, it has been adequately provided in the aforesaid two Clauses being Clause (X) and

Clause (XI) as contained in the Government Memo dated 13th January, 2016 that Child Care Leave should be sanctioned in a manner that would not lead to disruption or disturbance in the conduct of duties/service and classes assigned to the incumbent concerned should not suffer.

It appears that the decision taken by the school authority as emanates from letter dated 5th September, 2024 is in consonance with the Government Memo dated 13th January, 2016 which has been relied upon by the petitioner. Petitioner is a single teacher in Physical Science in the school who has already been sanctioned Child Care Leave for a period of 40 days upto the month of July, 2024 and school found further sanction of leave to the extent of 35 days would jeopardize the academic interest of the students of the school.

In view of aforesaid discussion, the writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)