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12.11.2024
Ct. No. 18
adeb

W.P.A. 24761 of 2024

**Moumita Mitra
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Ray
Mr. Sk. Abdur Rahim
...for the petitioner

Mr. M.P. Chakrabarty
Ms. Suvashree Ghosh
...for the State

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

Mr. Sunit Kumar Roy
...for the respondent nos. 6 & 7

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

Petitioner has prayed for transferring of service
book and other service related documents by making
those upto date by the school authority of Painta J.M.
High School (H.S) (hereinafter referred to as “second
school”) District- Purba Bardhaman on her transfer to
Burdwan Municipal Girls High Schools District- Purba
Bardhaman with effect from 27th June, 2022.

Learned advocates representing the petitioner,
second school and the State-respondents are heard in
order to find out whether at this stage service book

including other documents of the petitioner can be transferred to the present school of the petitioner.

It is submitted by the learned advocate representing the petitioner that since she was transferred from the second school to her present school with effect from 27th June, 2022 the second school authority is required to update the service book of the petitioner and forward the same to her present school immediately.

Learned advocate representing the second school has drawn attention to a document which is at page 37 of the writ petition which is a letter dated 9th September, 2024 issued by the teacher-in-charge of the second school to the petitioner stating various anomalies regarding availing of leave by the petitioner during her tenure in Barabelun M.M. Vidyamandir District-Purba Bardhaman and in second school. Most striking among the discrepancies as pointed out by the authority of the second school that in connection with service of the petitioner in Barabelun M.M. Vidyamandir she availed of 607 days leave which was treated by the said school authority as leave without pay. It is contended on behalf of the second school authority that if this period is not regularized in that event there is need to defer sanction of 10 years service benefit in favour of the petitioner. It also appears from the document at page 37 that as per Managing Committee resolution dated 20th February, 2020 taking note of attendance registrar it was found

that during the period of service of the petitioner in second school i.e. from 4th October, 2007 to 20th June, 2022 she enjoyed 154 days medical leave, 12 days half average pay and 321 days Child Care Leave which could not be regularized at the time of transfer of the petitioner. It is also stated in the said document that during the period from 4th October, 2011 to 3rd October, 2012 petitioner enjoyed 80 days medical leave which was beyond the leave account of the petitioner.

It is contended on behalf of the second school authority that leave account of the petitioner needs to be regularized before transferring the service related documents including service book of the petitioner to her present school.

Court is also apprised that apart from service book and other service related documents the second school authority has forwarded the provident account of the petitioner to her present school but other documents could not be updated and forwarded to the third school due to aforesaid defects.

In view of the situation which emanates from the document at page 37 this Court at this stage does not find it apt to direct the second school authority to forward the service related documents including service book of the petitioner to her present school without regularizing the leave account of the petitioner. Since by taking resolution on 20th February, 2020 second school

authority has taken a stand Court grants leave to the petitioner to make a representation to the President, West Bengal Board of Secondary Education by fortnight from date seeking regularization of leave statement of the petitioner. If such representation is made by the petitioner within the aforesaid time the President shall take decision in accordance with law by 12 (twelve) weeks from the date of receipt of the same after granting opportunity of hearing to the petitioner and the second school authority.

Decision to be taken by the President of the Board shall be communicated to the parties by 2 (two) weeks thereafter.

With the aforesaid observations and 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.)