

14.06.2024  
Sl. No.58(DL)  
srm

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

**W.P.A. No. 1185 of 2024**

**Dilmaya Bhujel**

**Versus**

**The State of West Bengal & Ors.**

Ms. Bedashruti Bose,  
Mr. Subham Chanda,  
Ms. Somutta Patra

...for the Petitioner.

Mr. Sumit Kumar,  
Ms. Patralekha Chaudhury

...for the State-respondents.

1. The petitioner was appointed under died-in-harness category as a group-D staff of Mamring Toryok Higher Secondary School, Kurseong, District-Darjeeling. The petitioner was discharging her duties since 2012.
2. It is alleged that the petitioner had faced great torture at the hands of her in-laws and she was not in a position to attend her duties for a long time.
3. It is an admitted fact that the petitioner did not attend her duty for six years and eleven months. The school authorities issued letters to the petitioner and the postal articles had come back un-served, as the petitioner was not found at the registered address.

4. Subsequently, the petitioner separated from her in-law's house and approached the managing committee of the school by filing a representation to allow her to join. The managing committee of the school by a resolution allowed her to join and thereafter the petitioner joined her service on May 15, 2023. The school authorities sent the papers along with the resolution to the District Inspector of Schools (Secondary Education), Darjeeling and the matter is pending before the authority.
5. The petitioner has not yet been paid any salary. The fact that the school authorities allowed the petitioner to join and referred the matter to the District Inspector of School (Secondary Education), Hill Areas, Darjeeling for a decision in the matter, is available from the records.
6. The writ petition is disposed of with a direction upon the District Inspector of Schools (Secondary Education), Hill Areas, Darjeeling to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law within a period of two months from the date of communication of this order upon hearing the petitioner as also the school authorities.
7. It appears that the petitioner is seeking payment of salary on and from the date of joining, i.e. May 15, 2023 and has

not prayed for any salary for the earlier period. It is for the authority to decide the entire matter in accordance with the service rules. How the authority will treat the absence will also be guided by the service rules.

8. This Court has not expressed any opinion on the merits of the issues involved.
9. The writ petition is, thus, disposed of.
10. There shall be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**