

Ct.551 **23.06.25**
Item No.28 Sws.M

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 1141 of 2022

Mahuya Pal
Vs
The State of West Bengal &Ors.

Mr. Sakti Pada Jana
Mrs. Sudipta Pramanik
....for the petitioner

Mr. Pinaki Dhole
Mr. Bipin Ghosh
....for the State

Ms. Saswati Chatterjee
...for the WBBSE

Affidavit-in-opposition filed on behalf of the respondents is taken record.

The petitioner has approached this Court seeking issuance of a writ of mandamus commanding the respondents to show-cause “*as to why the petitioner should not be allowed to discharge her duties as an Assistant Teacher in English of the Kechuadanga B.C. Vidyaniketan District Nadia immediately after sanctioning extraordinary leave on medical ground*”.

The petitioner remained absent from her duties for a considerable length of time and it is the petitioner’s case that her absence was justified primarily in view of her medical condition.

Mr. Jana, learned advocate appearing for the petitioner submits that at the material point of time as the petitioner was compelled to remain absent from her

duties, she made repeated representations before the School authorities with request for sanctioning extra ordinary leave on medical grounds and maternity leave on without pay basis, but all such representations remained unconsidered.

Mr. Jana submits that at the relevant point of time, prayer for leave was to be made before the Managing Committee of the school and extra ordinary leave was to be sanctioned by the Managing Committee of the school upon approval of the West Bengal Board of Secondary Education (hereafter the Board). It is submitted that on and from March 8, 2018, the Board became the sole authority to sanction extra ordinary leave. From the writ petition it does not appear that any representation has been made to the Board even after the Board having assumed total control of matters relating to sanction of extra ordinary leave.

Learned advocate appearing for the Board hands up a copy of status report prepared by the Deputy Secretary (General) of the said Board which shows that the petitioner last attended school on June 4, 2012 and thereafter has remained continuously absent. The said report also evinces that upon completion of five years of continuous absence, a notice was published by the school authorities in the Bengali newspaper "Ajkal Patrika" on September 17, 2019, upon completion of five years of continuous absence of the petitioner from the

school. The report further shows that a letter was also sent to the Head Master on March 16, 2023 thereby instructing the Managing Committee of the School to submit a resolution in accordance with the leave Rule 11 (ii) of the Board along with documents.

Mr. Dhole, learned advocate appearing for the State-respondents relies on the affidavit-in-opposition filed on behalf of the respondent No. 3 and submits that due to continuous absence of the petitioner from the school, there is no reason for this Court to intervene the present writ petition.

Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that no order can be passed on the instant writ petition except granting liberty to the petitioner to make appropriate representation before the Board through the school authorities seeking redressal of the petitioner's grievances. If such representation is made, the Board shall consider such representation in accordance with law.

It is made clear that this order shall not be treated as a mandate on the Respondents to allow the petitioner to join her duties and the Board shall be free to take such decision as it deems fit in accordance with law.

Accordingly, WPA 1141 of 2022 stands disposed
of.

(Om Narayan Rai , J.)