

23.06.2025
Sl. No. 29
g.b.
Court No.551

W.P.A. 5754 of 2022

Payel Karmakar
-Vs-
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyaya
....For the Petitioner

Mr. Samrat Sen, Ld. A. AG
Ms. Manali Ali
....For the State

1. This writ petition has been filed by the petitioner seeking issuance of a Writ of Mandamus directing the respondents to allow the petitioner to resume her duty as an additional para teacher of Dhulasimla Board Primary School after granting her medical leave from June 30, 2014 and onwards after considering the petitioner's representation dated October 4, 2019.

2. At the outset, Mr. Chattopadhyaya, learned advocate appearing for the petitioner hands up a copy of a letter dated June 18, 2025 written by the Superintendent, District Hospital, Howrah whereby the petitioner has been requested to present herself before a Medical Board which has

been constituted for examining the petitioner. The said letter indicates that the time for the Medical Board to examine would be 9-30 a.m. on June 19, 2025. The petitioner submits that the petitioner could not present herself before the Medical Board on June 19, 2025 inasmuch as the petitioner received the letter dated June 18, 2025 on June 21, 2025. The said letter dated June 18, 2025 is taken on record.

4. Mr. Sen, learned senior advocate appearing for the State respondents submits that the writ petition has lost its force and it should be dismissed. He submits that the petitioner was initially called for medical examination on December 8, 2021 by a letter dated December 2, 2021 (Annexure 'P-11' at the 33 of the writ petition). He submits that on the said date the petitioner was referred to the MCH, Kolkata for upper G. I. Endoscopy and was advised to have a review with the report but the petitioner did not appear with the report for further course of action.

5. Mr. Sen also submits that the petitioner's representation dated October 4, 2019 has been

disposed of by a letter dated June 20, 2025 issued by the District Education Officer, Paschim Banga Samagra Shiksha Mission, Howrah observing as follows:

“An oral hearing was taken up on 02.12.2019 by the then District Education Officer, Samagra Shiksha Mission, Howrah vide letter no. 1/885/2019 Dated 28.11.2019.

On hearing you were issued a letter vide memo no. 1/2049/2020 Dated 27.02.2020 to submit immediately to District SSM Office the relevant documents to substantiate your long unauthorized absence, since the documents submitted by you on the hearing day are not sufficient justifiable in support of your long absence.

Subsequently you were given an opportunity for rejoining the post in question to appear before a medical board, District Hospital, Howrah. But as per letter of Superintendent, District Hospital, Howrah addressed to the Chief Medical Officer of Health, Howrah vide memo no. Supdt/DHH/2645 Dated 19.06.2025 you did not appear with the reports for further course of action. Besides, no explanation has been received by the authority concerned as on 19.06.2025.

Hence, we are unable to consider your prayer dated 04.10.2019 to rejoin the post.”

6. Mr. Sen has further submitted that the writ petitioner had approached this Court earlier as well by filing W.P. 18509 (W) of 2019 which was disposed of by an order dated September 26, 2019 thereby refusing to allow the petitioner to rejoin. It was submitted that petitioner was only granted liberty to know the fate of her service which has now been communicated to her by the said order/letter dated June 20, 2025.

7. Mr. Sen has handed up to the Court copies of the letter dated June 19, 2025 written by the Superintendent, District Hospital, Howrah to the Chief Medical Officer of Health, Howrah and the letter dated June 20, 2025 written by the District Education Officer, Paschim Banga Smagra Shiksha Mission, Howrah. The same are taken on record.

8. Mr. Chattopadhyaya, learned advocate appearing for the petitioner contends that nothing of the sort as has been contended by Mr. Sen by placing the letter dated June 19, 2025 was ever

informed to the petitioner. Mr. Chattopadhyay submits that the petitioner was never informed that she has been referred to MCH, Kolkata for upper G. I. Endoscopy and was required to have a review with report thereof. He submits that the petitioner underwent the medical examination on December 8, 2021 and thereafter there was no communication even made to the petitioner.

9. Having heard the learned advocates for the respective parties and having considered the material on record it appears that the instant writ petition has outlived its utility. The writ petitioner has sought issuance of a Writ of Mandamus directing upon the respondents to allow her to resume her duty upon consideration of the petitioner's representation dated October 4, 2019. It appears from the letter dated June 20, 2025 issued by the District Education Officer, Paschim Banga Samagra Shiksha Mission, Howrah that the petitioner's representation dated October 4, 2019 has been considered and the petitioner's request for allowing her to resume her duty/ to

rejoin her duty has been declined for reasons mentioned in the said letter dated June 20, 2025.

10. A copy of the said letter has already been handed over to Mr. Chattopadhyaya, learned advocate appearing for the petitioner.

11. In view of the reasoned decision taken by the respondent no.5 in the matter, it is the considered view of this Court that no cause of action survives in the instant writ petition. WPA 5754 of 2022 therefore stands disposed of.

12. It is made clear that disposal of this writ petition shall not be a bar to the petitioner taking resort to any remedy that may be available to the petitioner against the letter dated June 20, 2025 strictly in accordance with law.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Om Narayan Rai, J.)