

ML 217
07.01.2025
Ct. No. 18
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W.P.A. 8972 of 2023

**Priyanka Dolui @ Priyanka Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Bratin Kumar Dey
Ms. Anjana Banerjee
...for the petitioner
Mr. Pankaj Halder
Mr. Nilabha Bera
Mr. Sanatan Panja
...for the respondent no. 7
Ms. Sanghamitra Nandy
Mr. Parikshit Goswami
...for the State

Pursuant to the order dated 2nd December, 2024 a report in the form of affidavit affirmed on 29th November, 2024 has been filed by the headmaster of Talit Goureswar High School, Purba Burdwan being respondent no. 7 and same is taken on record.

On perusal of the report this Court finds that the petitioner being an assistant teacher prayed for sanction of Child Care Leave for the period from 4th January, 2023 to 18th January, 2023 since her son was to participate in an examination who was reading in class IV.

On perusal of the resolution adopted by the Managing Committee of the school on 4th January, 2023 which is at pages 7 and 8 of the report filed today, it further appears that the aforesaid school authority has failed to assign cogent reasons in order to refuse

sanction of Child Care Leave as prayed for by the petitioner for the aforesaid period. Rather from the relevant part of the resolution dated 4th January, 2023 it appears that an application was made for Child Care Leave enclosing examination routine of the son of the petitioner which was rejected on the ground that the said examination routine was not signed by the Principal of the school where petitioner's son was reading and leave application did not bear age and date of birth of the son of the petitioner which should not entail refusal of Child Care Leave application. Fact remains an application was made by the petitioner seeking Child Care Leave in order to facilitate her son to participate in examination who was reading in class IV at the material point of time. Nothing has been shown from record which is available before this Court on behalf of the aforesaid school authority that sanction of Child Care Leave as prayed for by the petitioner would have hampered the academic interest of the students of the school.

Hence, the decision of the Managing Committee of the school dated 4th January, 2023 whereby prayer for Child Care Leave of the petitioner was refused, stands set aside. The concerned authority of Talit Goureswar High School is directed to sanction Child Care Leave in favour of the petitioner for the period mentioned above by fortnight from the date of communication of this order.

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.)