

16.05.2025.
PB
Sl. No.56.
Ct. No.25.

WPA 10732 of 2025

Shrin Afroz
Vs.
The State of West Bengal & Ors.

Mr. Md. Manuwar Ali.
.... For the petitioner.

Mr. Santanu Kr. Mitra,
Mr. Subhabrata Das.
....For the State.

An order of the District Education Officer, Sarva
Shiksha Mission, Murshidabad, dated October 30,
2023, is under challenge in the instant case.

The order as above, which is impugned in the
instant writ petition, has spoken about the
unauthorized leave undergone by the petitioner from
March 6, 2019, till the date of the said order. That the
petitioner has been unauthorizedly absent for a period
for more than four years and six months and for the
reasons as above, the service of the petitioner as a
para teacher of the school, has been terminated by the
said respondent authority, by dint of the impugned
order dated October 30, 2023.

Mr. Ali, learned advocate for the petitioner has
putforth challenge to the same on the ground that the
petitioner has not been granted an opportunity of
audience. No enquiry has been conducted as regards

his alleged unauthorized absence in the school. That the petitioner has been terminated unilaterally and no enquiry report has been supplied to the petitioner. He seeks that an order be passed for supply of the enquiry report if any, upon the petitioner and grant of opportunity of hearing to the petitioner before any termination order is passed against her. Mr. Ali has sought for setting aside the impugned order dated October 30, 2023.

Mr. Mitra, learned senior counsel has appeared for the respondent State. He has raised strong objection as to the contention and prayer of the petitioner and supported the impugned order in his case. He says that the petitioner has been unauthorizedly absent for four years and six months, without any prior sanction of the leave sanctioning authority/appointing authority. He has submitted that in the impugned order, the respondent has mentioned in detail about the leave available to the petitioner and also about the violation of the existing rules and norms as applicable to the para teacher in case of obtaining leave.

He has reiterated the grounds taken up by the District Education Officer in the said impugned order that the absence of the writ petitioner without following the due procedure under the law would be treated as unauthorized absence of her, which would render her service be terminated. Hence, there is no

impropriety and illegality in the impugned order dated October 30, 2023.

Having heard the learned advocates for the respective parties and perusing the records, the Court is of considered opinion that the petitioner has started absenting from the school on and from March 6, 2019, without any approval or prior approval of the concerned authority for grant of leave.

Mr. Ali, learned advocate for the petitioner has submitted about the intervening 'COVID' period and which, according to him, did not allow the petitioner to join in duties. However, during the entire period of four years and six months, during which the petitioner remained absent, there has not been any communication made by her, either seeking leave or at least informing the authority about the reasons of her absence.

In such circumstances, the Court finds no impropriety and illegality in the decision of the District Education Officer, vide order dated October 30, 2023, that the period of absence of the petitioner from the school on and from March 6, 2019, till the date of the said order has been a period of unauthorized absence of the writ petitioner.

Therefore, due to such unauthorized prolong absence, the petitioner should be subject to the appropriate provision of the rules governing her service, which prescribes dismissal of the petitioner as

the para teacher from service, for the reason as mentioned above.

Upon finding as above, the Court is not inclined to interfere in the impugned order dated October 30, 2023, the same being in accordance with law.

Hence, the writ petition is dismissed.

Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

Urgent certified copy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)