

23.
16-07-2025
(Ct. no.18)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

WPA 13445 of 2025

**Jharna Rani Kar
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Mrs. Sudipta Pramanik
... For the Petitioner.

Mr. Dipanjan Datta, Sr. Govt. Adv.,
Ms. Sukanya Datta
... For the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. Petitioner is presently working as an Assistant Teacher for classes IX and X in terms of the order passed by the Hon'ble Supreme Court dated 17th April, 2025, passed on Miscellaneous Application No.709 of 2025 in Civil Appeal No.4805 of 2025. Miscellaneous Application was filed by the West Bengal Board of Secondary Education. In terms of the order dated 17th April, 2025, petitioner along with other untainted candidates are permitted to function as Assistant Teachers upto 31st December, 2025. The order passed by the Hon'ble Supreme Court on 17th April, 2025 on Miscellaneous Application No.709 of 2025 needs to be read along with the judgment dated 03rd April, 2025 passed on Civil Appeal arising out of Special Leave Petition (Civil) No.9586 of 2024 [State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.].

3. In terms of observations and directions contained in paragraphs 45 and 46 of the said judgment dated 03rd April, 2025 of the Hon'ble Supreme Court, both tainted and untainted candidates have lost their job. As a special case, only untainted candidates were permitted to function as Assistant Teachers till 31st December, 2025 in terms of the order dated 17th April, 2025, which needs to be treated as a special engagement.

4. Petitioner like other untainted candidates will not be permitted to discharge duty beyond 31st December, 2025. Therefore, at this stage, prior to 31st December, 2025, petitioner ought not to have applied for Child Care Leave for the period from 10th June, 2025 to 23rd September, 2025, taking note of the fact that after 31st December, 2025, it will not be necessary so far petitioner is concerned to pray for leave.

5. Hence, the writ petition stands dismissed.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Saugata Bhattacharyya, J.)