

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

04
rkd 10.09.2025
Ct.18
DO

W.P.A. 15144 of 2025

Uma Das

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray,
Mr. Abdur Rahim

....for the petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Sirshendu Sinha Roy,
Mr. Supreem Naskar,
Ms. Jayashree Patra

....for the respondent nos. 8 to 10.

Mr. Sankar Halder

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

1. In terms of the order dated 19th August, 2025 a supplementary affidavit is filed by the petitioner and same is taken on record.
2. On perusal of paragraph 6 of the supplementary affidavit, it appears that in tabular form details of periods and dates on which petitioner could not attend the school, are given and according to the petitioner those periods and dates ought to be treated as leave.
3. In terms of paragraph 6 of the supplementary affidavit last period when petitioner did not attend

the school was from 22nd January, 2023 to 26th January, 2023 and which according to the petitioner was availed of as Child Care Leave.

4. It needs to be recorded herein that based on certain allegations disciplinary proceeding was initiated by the concerned authority of the West Bengal Board of Secondary Education (for short "Board") and a charge-sheet was issued on 4th July, 2024. One of the charges leveled against the petitioner was enjoying several periods of unauthorized leave including Child Care Leave (CCL).
5. Considering the periods of leave availed of by the petitioner as indicated in paragraph 6 of the supplementary affidavit and the charge-sheet which was issued on 4th July, 2024, it can be inferred the periods availed of by the petitioner as leave/Child Care Leave were one of the issues in the disciplinary proceeding.
6. It further appears that disciplinary proceeding which was initiated against the petitioner was taken to logical conclusion and final order was passed on 11th March, 2025 by the President, Ad-hoc Committee of the Board thereby petitioner was warned that the repetition of same misconduct would attract strict actions as per Rules and it was expressed that petitioner would work in greater

interests of the students and the institution.

7. Therefore, what emanates from final order dated 11th March, 2025 passed by the President of Board that issues based on which disciplinary proceeding was initiated including leave/Child Care Leave availed of by the petitioner, was put to rest.
8. However, authorities of Haripal Tirthabasi Girls' High School, Hooghly (hereinafter referred to as the "said school") even after final order was passed by the President of the Board on conclusion of disciplinary proceeding on 11th March, 2025 issued memo dated 2nd April, 2025 thereby it was intimated to the petitioner that leave availed of by the petitioner aggregating hundred (100) days to be treated as unauthorized leave as per decision of the Managing Committee of the said school dated 29th March, 2025 and same to be recorded in the service records of the petitioner.
9. After conclusion of disciplinary proceeding culminating into order dated 11th March, 2025 passed by the President of the Board thereby petitioner was warned, said school authority is not authorized to pass separate order in connection with leave availed of by the petitioner which was considered by the disciplinary authority by issuing charge-sheet dated 4th July, 2024.

10. It is apparent from the materials available before this Court today that last stretch of Child Care Leave availed of by the petitioner was from 22nd January, 2023 to 26th January, 2023 whereas charge-sheet was issued on 4th July, 2024 which goes to show that periods availed of by the petitioner as leave/Child Care Leave were taken into consideration by the disciplinary authority while initiating proceeding against her.
11. Hence, memo dated 2nd April, 2025 issued by the said school authority declaring said periods of leave (hundred days) as unauthorized, stands set aside.
12. However, said school authority shall also be at leave to take decision in terms of the relevant provisions of Leave Rules if further leave is availed of by the petitioner beyond the periods as mentioned in paragraph 6 of the supplementary affidavit.
13. The writ petition stands disposed of.
14. However, there shall be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)