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13.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 25255 of 2025

**Mrs. Shahnaz Shabbir
-versus
The State of West Bengal & Ors.**

**Mr. Md. Farhaduddin,
Mr. Shabbir Yazdani
...For the Petitioner.**

**Mr. Bibek Dutta.
...For WBBSE.**

**Mr. Suman Dey.
...For the Respondent No.7.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner was appointed as Assistant Teacher since 7th August, 1995. She seeks voluntary retirement and applied for the same. Her application is pending consideration.

3. The petitioner contends that she is suffering from mental illness and is not in a position to teach the students. She prays for a direction upon the authority to consider her prayer for voluntary retirement.

4. Learned advocate appearing on behalf of the school submits, upon instruction that, the petitioner is on unauthorized leave since 2020. She remained absent in school for 1712 days. Due to the absence of the petitioner, students of the school are hugely suffering.

5. Without entering into the merit of the allegations made by the parties, as it appears that the petitioner has already expressed her unwillingness to continue in service, accordingly, the authority ought to take a decision on her application seeking voluntary retirement. A teacher who claims to be mentally unfit cannot be permitted to teach the students.

6. In view of the above, the Head of the Institution of Garden Reach Maulana Azad Memorial Girls High School (H.S.) is directed to forward the request of the petitioner for voluntary leave, if not already forwarded, along with all other necessary documents to the West Bengal Board of Secondary Education to take a decision with regard the petitioner's period of absence.

7. After the issue of absence of the petitioner is finalized by the Board, then necessary consequential steps in respect of her prayer for voluntary retirement be processed and disposed of. An opportunity of hearing be provided to the petitioner for production of all documents in support of her illness.

8. The entire exercise by the school and the Board should conclude at the earliest but positively within a period of four months from the date of communication of this order.

9. The fate of the petitioner's application shall be made known to her.

10. The writ petition stands disposed of.

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

(Amrita Sinha, J.)