

18 03.01.2025
rkd Ct.18

W.P.A. 29490 of 2024

Kaberi Bardhan

-vs-

The State of West Bengal & Ors.

Mr. Neil Basu,
Mr. Rahul Kumar Singh,
Mr. Sankha Biswas

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal

....for the State.

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

By presenting this writ petition, *inter alia*,
petitioner being an Assistant Teacher of Harendra
Kushari Vidyapith, Kolkata (hereinafter referred to
as the “said school”) has prayed for sanction of
Child Care Leave for the periods from 22nd
November, 2021 to 7th December, 2021, 28th
October, 2022 to 13th November, 2022 and from
16th August, 2023 to 4th September, 2023.

In spite of service of notice the said school
authority is not represented today.

However, State respondents are represented
by learned advocates.

Mr. Chattopadhyay, learned Additional
Government Pleader has placed before this Court a
communication dated 16th December, 2024 issued

by the District Inspector of Schools (SE), Kolkata wherefrom it appears that present Administrator of the said school has sanctioned Child Care Leave in favour of the petitioner for the periods from 28th October, 2022 to 13th November, 2022 and from 16th August, 2023 to 4th September, 2023.

However, it further appears from the said communication dated 16th December, 2024 that the then President of the Managing Committee of the said school sanctioned medical leave in favour of the petitioner for the period from 22nd November, 2021 to 7th December, 2021 and on behalf of the petitioner grievance has been ventilated to the extent that though application was made for sanction of Child Care Leave the then President of the Managing Committee wrongly sanctioned medical leave in favour of the petitioner in connection with the period from 22nd November, 2021 to 7th December, 2021.

Since it has been submitted by the learned advocates representing the petitioner and State respondents that at present Administrator is functioning in the school being respondent no.7, said respondent no.7 is directed to revisit the issue by taking note of the leave application made by the petitioner seeking Child Care Leave for the period

from 22nd November, 2021 to 7th December, 2021 and necessary decision to be taken in this regard.

The respondent no.7 is directed to revisit the issue and pass appropriate order whether the period from 22nd November, 2021 to 7th December, 2021 can be treated as Child Care Leave instead of medical leave or not by four weeks from the date of communication of this order and the decision to be communicated to the petitioner by one week thereafter.

The communication dated 16th December, 2024 issued by the District Inspector of Schools (SE), Kolkata is taken on record.

The writ petitions stands disposed of.

However, there shall be no order as to costs.

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.)