

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

28.10.2025
(JPD 5)
(S. Banerjee)

WPA 2056 of 2025

Smt. Girbani Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das
... for the petitioner

Mr. Pretom Das
Mr. Sourav Sarkar
... for the State

Mr. Bhaskar Roy
Ms. A. Ghosh
... for the respondent no. 4

The petitioner was initially appointed as an Assistant Teacher in History (Pass) at Khagenhat Nakhuni Singh High School (HS). Pursuant to the application for transfer submitted by the petitioner, she was transferred to Rangalibazna Mohan Singh High School (Higher School) and she joined her new place of posting on October 9, 2021.

Petitioner alleges that the Service Book of the petitioner was not handed over to her by the respondent no. 4 who is the Headmaster of the erstwhile school. The petitioner claims that

sometime in the month of November, 2024, the Service Book was handed over to her by the respondent no. 4. After perusing the service record the petitioner found that in the service record it was recorded that she availed medical leave for 12 days and November 26, 2020 was marked as “dies non”.

Learned advocate appearing for the petitioner submits that the petitioner did not avail any leave during the period from December 27, 2020 till October 8, 2021 on medical ground. He further submits that the recording in the service record with regard to “dies non” could not have been made without giving any opportunity to the petitioner as the same is penal in nature. He further submits that it would be evident from the Service Book that the signature of the petitioner is not appearing against medical leave and the date on which the petitioner was treated as “dies non”. He further submits that in spite of a direction passed by the District Inspector of Schools, the respondent no. 4 did not conduct a hearing as per the direction of the concerned District Inspector of Schools.

Learned advocate appearing for the respondent no. 4 submits that the petitioner was absent on November 26, 2020 and in view of the

memorandum dated November 25, 2020, issued by the Government of West Bengal, Finance Department, Audit Branch, the petitioner was treated as “dies non”. He further submits that the petitioner availed of the medical leave which fact has been duly recorded in the Service Book. He further submits that the petitioner was directed to appear at the school to take the Service Book but the petitioner did not appear at the school to receive the Service Book.

Heard the learned advocate for the State.

Whether the petitioner availed of leave for 12 days during the period from December 27, 2020 till October 8, 2020, is a factual issue which cannot be decided in this writ petition.

It appears from the record that the District Inspector of Schools (SE), Alipurduar, being the 3rd respondent, instructed the respondent no. 4, being the Headmaster, to conduct a hearing with regard to the complaint lodged by the petitioner by a letter dated December 13, 2024, which is annexed at page 48 of the writ petition.

On a query of the court, the learned advocate representing the 4th respondent, in his usual

fairness, submits that no hearing was conducted pursuant to the direction issued by the concerned District Inspector of Schools.

In the light of the submissions made by the learned advocate appearing for the respective parties, this court is of the considered view that interest of justice would be sub-served if the Headmaster of Khagenhat Nakhuni Singh High School (HS), being the 4th respondent, is directed to consider the representation of the petitioner dated December 13, 2024, which is annexed at page 48 of the writ petition, and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner or his authorized representative and communicate the reasoned order to the petitioner.

Learned advocate appearing for the 4th respondent submits that in the event the petitioner appears before the 4th respondent on November 15, 2025 at or about 11 a.m.. The 4th respondent shall conduct a hearing on the representative of the petitioner.

Learned advocate appearing for the petitioner assures this court that the petitioner shall appear

before the respondent no. 4 on November 15, 2025 at or about 11 a.m. along with the Service Book and all other relevant documents in support of the claim of the petitioner. If the petitioner appears before the 4th respondent on the date and time mentioned hereinbefore, the 4th respondent shall conduct a hearing and pass a reasoned order which shall be communicated to the petitioner within a period of seven working days from the date of such hearing.

With the above observations and directions the writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)