

9th Feb., 2026
Item no.D/L 09
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 148 of 2023**

In the matter of :

Pradipta De

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Seema Thakur

....Advocates

For the State:

Ms. Sanghamitra Nandy
Mr. Pinaki Bhattacharyya

....Advocates

For the WBBSE:

Ms. Saswati Chatterjee

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. Learned advocate for the petitioner fairly submits that the instant writ petition be restricted for regularizing leave with pay for only 120 days on account of child care leave under exceptional circumstances with effect from 4th March, 2020.
3. The petitioner remained absent from school on and from 4th March, 2020 to 21st December, 2020. She has a minor daughter. She applied before the school managing committee on 17th February, 2020 for grant of leave on and from 4th March, 2020 to May, 2020. She went to visit her husband and daughter in Sweden but could not return to the country in view of restrictions on account of the pandemic

situation. Immediately on return she applied for joining on 22nd December, 2020. The school granted leave to the petitioner but without pay.

4. Learned advocate for the petitioner refers to the Finance (Audit) Department memo being nos. 5560-F(P) dated 17th July, 2015 and 6444-F(P) dated 27th August, 2015 relating to child care leave of a female employee.
5. Learned advocate for the petitioner submits that leave for 120 days may be allowed to her with pay by treating the circumstances as exceptional.
6. Learned advocate representing the State respondents relies on the report affirmed by the Assistant Inspector of Schools, Secondary Education annexing the resolution of the school authority dated 21st January, 2020 which mentions about the leave without pay which was approved in favor of the petitioner.
7. Report filed by the Secretary of the West Bengal Board of Secondary Education be retained with the records. It appears therefrom that leave can be regularized for a continuous spell upto 120 days only in exceptional circumstances.
8. As the school is not represented, the matter cannot be decided conclusively.
9. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools, Secondary Education, Howrah to grant an opportunity of hearing to the petitioner and the school authority for arriving at a decision as to whether the period mentioned hereinabove, can be treated as exceptional circumstances for approval of child care leave with pay to the petitioner.

10. The government memoranda mentioned hereinabove shall be taken into consideration at the time of taking a final decision by the District Inspector of Schools.
11. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
12. A reasoned order shall be passed and communicated to all the parties immediately thereafter.
13. If the leave of the petitioner with pay as prayed for is allowed, then necessary consequential steps shall be taken by the respondent authorities without any further delay.
14. The writ petition stands disposed of.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)