

02/04
2026

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NANDY

(DISPOSED OF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/5477/2026

ARATI SAMAJDER
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. K.M. Hossain, Advocate
Mr. Kartik Kumar Ray, Advocate
Mr. Kazi Ardan Ali, Advocate
Mr. Mayukh Saha, Advocate
Mr. Apurba Kolya, Advocate

.....for the Petitioner

Mr. Md. Farhaduddin, Advocate
Mr. Priyabrata Ghosh, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner's grievance that her Child Care Leave (CCL) for the period from 15.01.2026 to 30.01.2026, for the purpose of attending to her minor son for his annual examination, is not opposed by the School.
3. In spite of service, there is no representation on behalf of the school, which clearly implies that the school is not opposing such prayers of the petitioner.
4. However, Mr. Farhaduddin, learned Advocate appearing for the State submits that the request for leave from 15.01.2026 to 30.01.2026 was made by the petitioner only on 14.01.2026.
5. The petitioner has made a prior handwritten application to the concerned Teacher-in-Charge seeking Child Care Leave (CCL) for the examination period of her son.
6. The e-mail of 14.01.2026 has a clear reference to such prior application, which has not been disposed of.
7. In terms of the Memo No. 5560-F(P) dated 17.07.2026, a person is entitled to Child Care Leave on the following parameters:
 - i) *The same will be admissible during the entire period of service for taking care of upto 2 (two) children upto*

18 years of their age whether for rearing or to look after any of their needs like examination, sickness etc.

- ii) During the period of such leave, the female employees shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.*
- iii) It may not be granted in more than 3 (three) spells in a calendar year.*
- iv) It may not be granted for less than 15 days in a spell.*
- v) Child Care Leave shall not be debited against the leave account,*
- vi) It may be combined with leave of the kind due and admissible.*

8. Clearly, the petitioner's case falls within the grounds set forth in the memorandum and she is entitled to Child Care Leave for the 15 days as sought for by her in the mail of 14.01.2026 and in her earlier written application.
9. In view of the afore-stated, the letter of 27.01.2026, issued by respondent no. 7, is set aside.
10. The respondent no. 7 is directed to forthwith grant and regularize the Child Care Leave of the petitioner from 15.01.2026 to 30.01.2026.
11. In view of such regularization, the days that the petitioner did not attend her duties, will not be considered as an unauthorized absence or break in service and no adverse entry or disciplinary proceedings will be initiated against her.
12. In view of the afore-stated discussions & directions **WPA/5477/2026** is partially allowed and **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)

