

S/L 31
29.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 9692 of 2023

Bibhas Kumar Mondal

Vs.

The State of West Bengal & Ors.

Mr. Robiul Islam

Mr. Raju Mondal

Mr. Masooq Rahmna

Ms. Asmita Mitra

...for the Petitioner.

Mr. Shamim ul Bari

...for the State.

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta

...for the WBBSE.

Mr. Simanta Kalin

...for the Respondent No.8.

1. The petitioner was serving as a clerk in a school. He remained absent in school from September 2015 allegedly on account of the illness of his wife.

2. According to the petitioner, he approached the school to join in November 2020. There is no formal order till date permitting the petitioner to join.

3. The petitioner prays for a direction upon the respondent authorities to allow him to join duty.

4. Learned advocate representing the Board submits, upon instruction, that the school is required to adopt a resolution with regard to the period of absence in accordance with Rule 11(i) of the Management Rules.

5. Learned advocate representing the school submits, upon instruction that, though initially a sympathetic stand was taken by the school but

thereafter the medical documents relied upon by the petitioner showed that there was no requirement of the petitioner to stay in bed and not attend duty.

6. Upon hearing the submission made on behalf of all the parties, it appears that a formal decision with regard to the prayer of the petitioner allowing him to join duty is yet to be taken by the respondent authorities.

7. In view of the above, the instant writ petition stands disposed of by directing the school, the Board and the District Inspector of Schools to take necessary steps to consider and dispose of the prayer of the petitioner strictly in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

8. Reasoned order shall be passed and communicated to the petitioner.

9. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

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

(Amrita Sinha, J.)