09.10.2026
Sl. No.23
Ct. No.14
gd

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA/15855/2026
Sri Saubhadra Sahu
VS
The State of West Bengal and Ors.

Mr. Gourav Das
Mr. A. Basu
...for the Petitioner.

Ms. Suchitra Sinha Chatterjee
Mr. Sayantan Rakshit
...for the State.

Mr. Samaresh Chandra Dhara
...for DPSC, Purba Medinipur.

1. Report filed by the State furnished by Chairman-in-Charge, District Primary School Council, Purba Medinipur is taken on record. Copy served.

2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to regularise the service of the petitioner with effect from 21st March, 2007 by considering the leave period as extraordinary leave without pay on medical grounds by allowing the petitioner to rejoin in the post of Assistant Teacher.

3. The petitioner contends that initially he joined as an Assistant Teacher in Khalisabhanga Primary School, Contai West Circle under the Midnapore District Primary School council in the year 2002. The petitioner has been confirmed in service with effect from 14th February, 2004. Subsequently, on 19th April 2005, the petitioner was transferred to Narkar Bamunia Nabakumar Primary School, Champatala, Purba

Medinipur. Thereafter the petitioner was diagnosed with viral hepatitis, which is a serious medical condition and was medically advised to take complete bed rest. The petitioner was unable to discharge his duties on and from 21st March, 2007 till 28th May, 2017. On being fit to resume duties as per medical certificate of the doctor, the petitioner submitted representation before respondent no.5, the Chairman, Purba Medinipur District Primary School Council on 29th May, 2017 for resuming his duties. The petitioner was called on for hearing on 12th September, 2017 by the Council. Since no decision was taken, the petitioner approached this Hon'ble Court by filing a writ petition being WP 27314(W) of 2017 which was disposed of on 21st November, 2017 with the following direction:

> "*Considering the submissions as advanced by the learned Advocate appearing for the parties and after perusing the records, I direct the respondent no.5, the Chairman, Purba Medinipur District Primary School Council to communicate the decision of the hearing held on 30th August, 2017 to the petitioner within two weeks from the date of communication of this order.*"

4. However, despite the aforesaid direction no order has been passed by the authority concerned. The petitioner thereafter on several occasion submitted representation before the Chairman, Purba Medinipur District Primary School Council for rejoining which has been ignored without any response. Hence, this writ petition.

5. Mr. Gourav Das, learned advocate appearing on behalf of the petitioner submits that the petitioner due to his acute illness could not attend the school. Despite there

being specific direction of a Coordinate Bench of this court to decide the issue regarding rejoining of the petitioner in the said school, however, no steps have been taken since then. The petitioner is unable to rejoin the school. He seeks that appropriate direction be issued upon the authority concerned for taking decision in terms of the direction issued by a Coordinate Bench of this court in WP 27314(W) of 2017.

6. Mr. Samaresh Chandra Dhara, learned advocate for Purba Medinipur District Primary School Council informs the court that there is no office records from which it would reveal that reasoned order has been passed by the concerned authority in respect of hearing conducted on 12th September, 2017.

7. Such being the position, bearing in mind the direction of the Coordinate Bench of this court passed in WP 27314(W) of 2017, respondent no.5, the Chairman, Purba Medinipur District Primary School Council is directed to take a decision in respect of hearing conducted on 12th September, 2017 regarding long absence of the petitioner from the school and of rejoining in school and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner within a period of eight weeks from the date of communication of this order.

8. Authority concerned shall be at liberty to call for necessary documents from the petitioner, if it so requires.

9. In the event the petitioner is found entitled to, consequential orders be passed by the Council.
10. The reasoned order is to be communicated to the petitioner within one week from the date of passing of such order.
11. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, the Chairman, Purba Medinipur District Primary School Council, for necessary compliance.
12. With the above direction, the writ petition being **WPA 15855 of 2026** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)