

14-05-2025
Item No.9
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.3547 of 2023

Amiruddin

-vs-

The State of West Bengal & Ors.

Mr. Ram Krishna Chandra ...for the petitioner

Mr. Biswajit De
Ms. Rajlakshmi Ghatak ...for the State

Mr. Kamalesh Bhattacharyya
Mr. Aninda Bhattacharya ...for the school

1. Affidavit-in-opposition filed by the school authority and reply thereto by the petitioner be taken on record.
2. It is the specific stand of the school authority that the petitioner has not applied for adjustment of his unauthorized absence against the admissible leave.
3. The petitioner is scheduled to be superannuated in January 2026. Till his absence is regularized, the petitioner will not be in a position to submit documents for releasing his terminal benefits. The benefit admissible to a teacher on completion of eighteen years of service can also not be allowed.
4. The petitioner approached this court by filing an earlier writ petition being WP No.2844(W) of 2018 which stood disposed of by the court on November 25, 2019 by granting liberty to the petitioner to make a written representation to the Secretary of the West Bengal Board of Secondary Education (WBBSE) and the Board was directed

to consider the same in accordance with law by passing a reasoned order.

5. On January 24, 2020, pursuant to the court's order, the Secretary in-Charge of WBBSE by an order observed that the conduct of the school was of utter callousness and directed the school to send a concrete proposal for regularization of the period of absence of the petitioner along with valid managing committee resolution within seven days i.e. by January 31, 2020 afternoon; and on receipt of such proposal, the Board would take a final decision in this regard.
6. The disciplinary authority of WBBSE initiated a proceeding against the petitioner and a charge-sheet was issued to him on August 23, 2022 granting a fortnight's time to submit his response to the charges. The petitioner has submitted his reply to the charges, but the issue is still pending consideration before WBBSE.
7. As the leave of the petitioner is yet to be regularised, the subsequent steps cannot be taken for updating the service record of the petitioner.
8. WBBSE is not appearing today. Let further notice be served upon the learned counsel representing the Board for taking instruction with regard to the fate of the proceeding initiated against the petitioner.
9. List the matter for consideration on June 16, 2025.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

[Amrita Sinha, J]

