

18th March, 2026
(D/L No.23)
Ct. No.4
(SKB)

FMA 1069 of 2023
With
CAN 1 of 2024

Debiprosad Chakrabortty
Versus
The State of West Bengal and others

Mr. Kamalesh Bhattacharyya,
Mr. Bidhan Biswas
... for the appellant.

Ms. Sahina Sumi
... for the State.

Mr. Talley Masood Siddiqui,
Mr. Avishek Prasad
... for the respondent no.6.

1. Heard the learned advocates representing the parties.
2. the writ petitioner/appellant approached the writ court claiming a relief that after being away from duties for about three years, he tried to join back in the school, Karmutola Primary School, Malda, under the District Primary School Council, Malda (in short 'Council') but his efforts went in vein.
3. The learned Single Judge considering the unauthorized absence was of the view that the Council should commence appropriate disciplinary proceeding for the alleged unauthorized absence and pass appropriate

orders in accordance with law and the applicable rules.

4. The present intra court appeal is against the order of the learned Single Judge dated 10.06.2024 to this effect.
5. When the matter is taken up today, the learned advocate, Mr. Kamalesh Bhattacharyya, submits on instructions that the appellant/petitioner is in a precarious situation and bedridden battling with an advance stage of cancer. He submits that the same may be considered a mitigating factor. He would approach the respondent no.3 being the District Inspector of Schools (S.E.) cum Secretary of the Council, Malda along with documentary evidence by way of a representation regarding his health condition.
6. The appellant/petitioner further has instructed the learned advocate on record that he would not be claiming any salary for the three year period of unauthorized absence. Raising these issues the learned advocate submits that the appellant/petitioner may approach the respondent no.3. He submits that in view of the precarious health condition, keeping in view the above submissions, he would make a request for a voluntary retirement from service.

7. Without expressing any opinion on the merits of such submission, taking into consideration the submission regarding an advance stage of the disease, we leave it to the appellant/petitioner to approach the respondent no.3 with such request which may be considered by the respondent no.3 within eight weeks from the date of receipt/production of a copy of this order along with the representation in this regard. The order of the learned Single Judge is set aside in these terms and the appeal and the application are accordingly disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)