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04.02.2021
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WPA 14123 of 2016
(CAN 1 of 2021)

Samir Kumar Singha Mahapatra
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Ashim Kumar Halder
Mr. Aninda Bhattacharya.
... for the respondent no. 6.

Ms. Anjushree Mukherjee.
... for the State.

By this application, the respondent no. 6 seeks modification of the order dated September 7, 2018 passed in W.P. No. 14123(W) of 2016 by revoking the order of suspension of the respondent no. 6.

The State is represented.

None appears for the writ petitioner or the other respondents despite service. Affidavit of service filed in Court be taken on record.

In a writ petition where, the writ petitioner complained of non-receipt of accumulated provident fund in view of the stand taken by the respondent no. 6, who was then the headmaster of the school, the Court was constrained to pass the order dated July 31, 2018.

Learned advocate for the respondent no. 6 submits that, the writ petitioner was paid his dues. He submits that, the order of suspension is continuing and is causing hardship upon the respondent no. 6. He submits that, the order of suspension as directed by the order dated July 31, 2018 be revoked.

The writ petition was disposed of by the order dated September 7, 2018. In the writ petition, an order dated July 31, 2018 was passed. In such order, it was recorded that the District Inspector of Schools (SE) by a letter dated July 25, 2018 directed the headmaster to sanction and submit relevant papers to the competent authority. The order also takes note of the fact that on March 22, 2016 of the authorities requested the headmaster to take steps so that provident fund of the petitioner is released. The order records that, the headmaster did not do so till the date of the order. It records the incident taking place at the hearing of the writ petition on the previous date. The order records that, the learned advocate sought leave to retire. Such leave to retire was granted in view of the headmaster was not cooperating.

Finding that the headmaster was not cooperating,

the Court on July 31, 2018 directed suspension of the headmaster. The headmaster is the respondent no. 6 in the writ petition and the applicant in this application.

Since the Court is informed that, the provident fund dues of the writ petition stands paid, the order of suspension as directed on July 31, 2018 need not be continued with any further.

In such circumstances, CAN 1 of 2021 in W.P.A. 14123 of 2016 is disposed of by modifying the order dated July 31, 2018 to the extent of revoking the direction for suspension of the headmaster. The authorities will treat the respondent no. 6 as being suspended for the period from July 31, 2018 till September 7, 2018. Necessary benefits be given to the respondent no. 6, in accordance with law.

(Debangsu Basak, J.)