

09.12.2019
Krishnendu/07
Ct. No.01

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

W.P. A. No. 958 of 2019

Debashis Barman

-Vs-

The State of West Bengal & Ors.

Ms. Rima Das,
Mr. Surajit Basu,
Mr. Ratan Chandra Roy

For the Petitioner

Mr. Bikramaditya Ghosh,
Mr. Momenur Rahman

For the State

Mr. Deborshi Dhar

For the Council.

Affidavit of service filed by the petitioner be
kept on record. .

Ms. Das, learned advocate appearing for the
petitioner submits that the petitioner is an
assistant teacher of Bhangamore No.1 G. P. School
(in short, the said school). He was falsely
implicated in a criminal case and was arrested on
24th July, 2018. Thereafter, an order of suspension
was issued by the respondent no.6 on 8th August,
2018. Subsequent thereto, the petitioner was
released on bail by an order dated 5th September,
2018. When the petitioner went to resume his
duties thereafter, he was not allowed to join.
Aggrieved thereby, the petitioner submitted a
representation to the respondent no. 6 through the

respondent no.7 on 30th November, 2018. The same has not yet been considered and the petitioner has not been allowed to resume his duties. Aggrieved thereby, the petitioner has approached this Court.

Ms. Das further submits that in a case where an employee has already obtained bail but the investigation or trial is pending, a duty is cast upon the employer to see whether there are exceptional reasons for disallowing the person to resume his duties.

Mr. Ghosh, learned advocate appearing the State denies and disputes the contention of the petitioner.

Mr. Dhar, learned advocate appearing for the Council submits that the allegation of inaction as leveled against the respondent no. 6 is not sustainable and there is also no infirmity in the decision towards suspension of the petitioner and as such, no interference is called for.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the competent authority.

Accordingly, this Court directs the respondent no. 6 to consider the representation as

submitted by the petitioner through the respondent no.7 on 30th November, 2018, upon granting an opportunity of hearing to the petitioner and to pass a reasoned order, in accordance with law and to communicate the same to the petitioner.

The above exercise shall be completed within a period of four weeks from the date of communication of this order.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

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

(Tapabrata Chakraborty, J.)