

17.12.2020

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Court No.25
Video Conference

W.P.A. No. 2909 of 2020
Ramkrishna Mandal
– Versus –
The State of West Bengal & Others

Mr. K. M. Hossain,
Mr.Amit Baran Dash
... for the petitioner.
Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta
... for the State respondents.

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

Mr. Hossain, learned advocate appearing for the petitioner submits that the petitioner was appointed to the post of clerk at Kanpur Guruprasad Vidyapith (in short, the said school) on and from 17th December, 2004 and his appointment was duly approved by the competent authority. Since his appointment he was rendering his services sincerely. However, on and from 2017 the school authorities started harassing the petitioner and demanded huge amount as donation from him. The petitioner was not in a position to deposit such huge amount. Furthermore, the school authorities have no jurisdiction to claim any donation from an approved staff. Thereafter, the petitioner was forcibly prevented from entering the school

premises and from rendering his service. A complaint to that effect was lodged before the Officer-in-charge, Ramnagar Police Station on 6th September, 2018. Detailed representations were also submitted to the respondent nos.2, 3 and 4. The last of such representations is dated 7th January, 2020 but the same has not been considered. Aggrieved thereby, the petitioner has approached this Court.

Mr. Chattopadhyay, learned advocate appearing for the State respondents denies the contention of the petitioner and submits that there had been a long-standing dispute between the petitioner and the school authorities. As the petitioner was continuing in absence since 30th March, 2017, a show-cause notice was issued by the Administrator of the said school on 15th May, 2017 but the same was not replied to by the petitioner.

He submits, upon instruction, that the petitioner is a habitual absentee and for such absence, the students of the said school are the worst sufferers.

No one appears today on behalf of the school authorities.

In the absence of any order of suspension, an approved staff cannot be prevented from

rendering his services and his salary cannot be withheld. However, for unauthorised absence, if any, the competent authority may initiate disciplinary proceeding, in accordance with law.

It needs to be ascertained as to whether any disciplinary proceeding has been initiated or any order of suspension has been issued.

In the said conspectus, 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 respondent no. 3.

The said respondent no.3 will consider the petitioner's grievance, as ventilated through the representation dated 7th January, 2020, and take a decision, in accordance with law and in the light of the observations made in this order, upon granting an opportunity of hearing to the petitioner and the school authorities and communicate the same to the petitioner.

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

It is made clear that on the date scheduled for hearing, the school authorities shall appear before the respondent no.3 along with all relevant records so that the dispute can be resolved.

Needless to observe, in the event the petitioner is allowed to resume his duties, the authorities shall disburse his salary on and from the date of such resumption of duties.

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 learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)