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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 883 of 2019

**Sourabh Roy
-versus
The State of West Bengal & Ors.**

**Mr. Abhik Sarkar,
Mr. M. Rahman
...For the Petitioner.**

**Mr. Hirak Barman,
Mr. Bikramaditya Ghosh
For the State**

The petitioner is an Assistant Teacher of a Primary School. A show cause notice was issued to him by the Chairman, District Primary School Council, Jalpaiguri on 25th September 2019 placing him under suspension under Rule 7 of West Bengal Primary Education (Conduct of Service of Teachers of Primary Schools) Rules, 2001.

The petitioner submits that he replied to the show cause letter issued against him but since thereafter no steps have been taken by the respondent authorities. The petitioner relies upon a judgement delivered by the Hon'ble Supreme Court in the matter of Ajay Kumar Choudhary -vs- Union of India & Anr. reported in (2015) 7 SCC 291 wherein it has been mentioned that an order

of suspension should not be continued beyond a period of 90 days especially when a memorandum of charges/charge-sheet has not been served upon the suspended person. The petitioner submits that neither a memorandum of charges nor a charge-sheet has been served upon him and in terms of the aforesaid order of the Hon'ble Supreme Court, the authority ought to review the suspension order which was passed against him in September 2019.

The learned advocate representing the State respondent submits that the District Inspector of Schools (Primary Education), Jalpaiguri is acting as the Administrator of the Jalpaiguri District Primary School Council.

There is no instruction from the side of the Council.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (PE), Jalpaiguri presently serving as the Administrator of the District Primary School Council, Jalpaiguri to review the order of suspension which was issued on 25th September 2019 and to take a decision whether the order of suspension is required to be continued or not.

The District Inspector of Schools shall take a decision within a period of six weeks from the date of communication of a copy of this order after giving an opportunity of hearing to the petitioner. The District

Inspector of Schools shall pass a reasoned order and communicate the same to the petitioner within a fortnight thereafter.

WPA No. 883 of 2019 is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)