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W.P.A. 351 OF 2021

(Through Video Conference)

Mr. Gobinda Majhi

Vs.

The State of West Bengal & Ors.

Mr. Shiv Sankar Banerjee

Mr. Jyotirmay Adhikary.

... For the Petitioner

Ms. Chaitali Bhattacharya

Mr. Kartik Chandra Kapas.

... For the State.

Ms. Koyeli Bhattacharyya

.... For the Respondents
/Board.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the suspension order dated 15th January, 2021 passed by the West Bengal Board of Secondary Education (hereinafter referred to as 'the Board').

2. Ms. Koyeli Bhattacharyya, counsel appearing for the Board submits that the petitioner was suspended on 15th January, 2021 with retrospective effect from 27th June, 2020. This order has been served upon the petitioner and also on the school authorities.

3. Today when the matter was called on, none appeared on behalf of the school authorities in spite of service. Accordingly, I draw an adverse inference against the school authorities.

4. In light of the above, it is clear that since the petitioner has been suspended from June 2020, he is entitled to monthly subsistence allowance in accordance with law.

5. Therefore, I direct the school authorities to raise the bill for the monthly subsistence allowance of the petitioner and serve it upon the District Inspector of Schools (S.E.), South 24-Parganas [hereinafter referred to as 'the D.I.']. The D.I. shall make the payment of the same in accordance with law.

6. I make it clear that the D.I. shall make payment of the arrear subsistence allowance within a period of four weeks from the date of communication of this order and start making payment of the monthly subsistence allowance from March, 2021.

7. I also make it clear that I have not gone into any other issues that have been raised in the writ petition except the payment of the subsistence allowance.

8. With the above direction the writ petition is disposed of. There will be no order as to costs.

9. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

10. Counsel appearing on behalf of the petitioner shall communicate this order to the school authorities and the D.I. within seven days from date.

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

(Shekhar B. Saraf, J.)