

02.02.2021

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W.P.A. 1401 of 2021

(Through Video Conference)

Dilip Kumar Pramanik

Vs.

The State of West Bengal & ors.

Mr. Prosenjit Mukherjee

Mr. Saptarshi Chakraborty

Mr. Arghya Kumar Das

.... For the petitioner

Mr. B. P. Vaisya

Mr. Ranjan Saha

... For the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the school authorities in allowing him to rejoin his school subsequent to having obtained bail from the Special Court under POCSO Act.

Counsel on behalf of the petitioner submits that subsequent to filing of the writ petition he has been handed over a letter of suspension. He also submits that even though he has been suspended, no suspension allowance has been started till date.

In light of the submission made above, it is clear that the prayer in the present writ petition seeking the resumption of work has become infructuous as the petitioner has been suspended.

Accordingly, this writ petition is disposed of giving liberty to the writ petitioner to challenge the notice of suspension in accordance with law.

I, however, make it clear that in the event subsistence allowance and arrear salaries are to be paid to the petitioner, the petitioner may apply for the same and the authority should act in accordance with law.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Shekhar B. Saraf, J.)