

29.11.2021
SL No. 18
Court No. 24
(P.M.)

WPA 2826 of 2021

Hafizur Rahaman & Ors.
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Anindya Bose,
Mr. Diptendu Mondal,
... for the petitioners

Mr. Shamim ul Bari
... for the State

The petitioners were implicated in the Hariharpara P.S. Case No. 182/20 dated 8th July, 2020 under Section 409/34 Indian Penal Code. The said proceeding was initiated in response to a complaint filed by the Block Development Officer, Hariharpara, Murshidabad wherein allegations against the petitioners were that Hafizur Rahaman being the Head Master and Amanul Hoque and Abdur Rashid, Assistant Teachers of Sripur Madrasah Shiksha Kendra misused and carried the Mid Day Meal rice meant for Sripur Madrasah Shiksha Kendra to some other place in the Head Master's car bearing Vehicle No. WB 58 AC 4467.

The petitioners were arrested and put under custody on 8th July, 2020. The petitioners were, thereafter, enlarged on bail on 16th July, 2020.

The submission of the petitioners is that after being enlarged on bail they have joined the Madrasah and

performed their duties, but they are not being paid their remuneration.

It appears that a communication was made by the District Officer, Minority Affairs, Murshidabad on 5th January, 2021 whereby the petitioners were directed to file a show cause why no action will be taken against them and why they will not be suspended from service in connection with the aforesaid criminal case that is pending against them. The petitioners have replied to the show cause notice.

From the submissions made on behalf of the parties it appears that after the submission of the reply to the show cause notice, the District Officer, Minority Affairs, Murshidabad did not proceed with the matter any further.

As it appears that the District Officer, Minority Affairs, Murshidabad received the response to the show cause in January, 2021 the said officer being the respondent No. 3 herein shall take a decision upon consideration of the response filed by the petitioners. The District Officer, Minority Affairs shall take a decision, strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

It is made clear that the Court has not entered into the merits of the claim of the petitioners and all points are

left open to be decided by the said respondent at the time of consideration of the reply given by the petitioners.

The writ petition has been filed by three petitioners by submitting only one court fees. The learned advocate for the petitioners is directed to deposit the deficit court fees in respect of two petitioners in the course of the day. In default, the order passed herein shall be restricted only in respect of the petitioner No. 1 and writ petition shall be deemed to have been dismissed in respect of the others.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)