

18.03.2021
p.b.
Sl. No.10.

W.P.A. 1800 of 2020

Pranab Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar,
Mr. Soumak Bhattacharya.
.....for the petitioner.
Mr. Shibasis Chatterjee.
.....for the private respondent
Mr. Md. Sarwar Jahan,
Mr. Firoze Hassan,
Mr. Sk. Nayeemul Haque.
.....for the respondent nos.5&6

The matter was taken up previously by a Co-ordinate Bench.

The affidavit of service is already on record, wherefrom, it appears that the State had already been served.

The private respondent being the tenth respondent, who is the wife of the writ petitioner is represented today through Mr. Sibashis Chatterjee, learned advocate.

The fifth and sixth respondents are the main defending respondents in this writ petition are represented today through Md. Sarwar Jahan, learned advocate.

The writ petitioner in this writ petition had challenged a decision dated December 16, 2019 being Annexure P-9 to the writ petition passed by the sixth

respondents whereunder, the writ petitioner was placed under deemed suspension from his service as Head Teacher of Nabanagar Radharani G.S.F. Primary School, Murshidabad. From the said impugned decision, it appeared that the cause of suspension was the proceeding being lodged by the tenth respondent being the added respondent, inter alia, under Section 498A read with other relevant provisions of the Indian Penal Code.

In course of the hearing of the matter today, the added tenth respondent being the wife of the writ petitioner and the writ petitioner both confirmed that all the bitterness between them had been over. They have been now happily living together and the tenth respondent wife had also confirmed that she had no further grievance against his husband, the writ petitioner.

Mr. Sarwar Jahan, learned advocate appearing on behalf of the fifth and sixth respondents fairly submitted that, the sole reason for deemed suspension as recorded above after being settled and resolved, which is impugned in this writ petition, the decision dated December 16, 2019 being Annexure P-9 to the writ petition, may be directed to be reconsidered by the fifth respondent.

After hearing the submissions made on behalf of the parties and upon perusal of the materials before this Court and also in view of the fair stand taken by the parties before this Court, this Court is of the view that justice

would be sub-served if the said decisions dated December 16, 2019 being Annexure P-9 and dated December 23, 2019 being Annexure P-10 to the said writ petition be reconsidered by the fifth respondent.

In view of the above, the fifth respondent is directed to reconsider his decisions dated December 16, 2019 and December 23, 2019 being Annexures P-9 and P-10 respectively to the writ petition upon giving an adequate hearing to the writ petitioner and also the tenth respondent. Both the writ petitioner and the tenth respondent will be at liberty to disclose whatever documents or records they wish to rely upon in the light of the above discussions mentioned herein and then the fifth respondent will pass his reasoned decisions in accordance with law and will communicate the same forthwith to the writ petitioner. The entire exercise as stated above must be carried out within a period of six weeks from the date of receipt of this order.

In the light of the above, the present writ petition being W.P.A. 1800 of 2020 stands disposed of.

(Aniruddha Roy, J.)