

09.04.2021

ss

W.P.A. 3785 of 2021

Santasri Chattopadhyay
Vs.
State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
... for the Petitioner

Ms. Koyeli Bhattacharya
... for the W.B.B.S.E.

Mr. Asish Chowdhury
... for the School authorities

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated January 4, 2021 passed by the West Bengal Board of Secondary Education accepting the resignation of the petitioner.

2. Mr. Bari, learned Counsel appearing on behalf of the petitioner submits that the resignation that had been obtained on 4th December, 2020 had been done so by way of coercion and was accepted by the Managing Committee that has no power to accept the same. He further submits that on the date of hearing granted by the Board the petitioner had gone to the Board but would not appear because of unruly elements being present in the premises. He also submits that subsequently the petitioner has filed a complaint against the Managing Committee.

3. Ms. Koyeli Bhattacharya, learned Counsel appearing on behalf of the Board submits that the petitioner should have appeared before the Board for hearing that was granted to him, failure to do so cannot be attributed upon the Board. She, accordingly, upholds the order passed on January 4, 2021.

4. The undisputed fact in this matter is that the petitioner was not present on the date of hearing and therefore, he has not been heard by the Board. Even the order passed by the Board on January 4, 2021 is a non-speaking one and does not include any of the reasons as to the acceptance of the resignation of the petitioner, neither does the order refer to the fact that the petitioner had not appeared before the Board for hearing that has been granted to him.

5. In light of the above, I am of the view that this order dated January 4, 2021 is required to be set aside with a direction upon the Board to grant an opportunity of hearing to the petitioner or his authorised representative and the school authorities and thereafter pass a reasoned order within a period of eight weeks from date. The reasoned order is to be communicated to the parties two weeks thereafter.

6. With the above observations, this writ petition is disposed of.

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

8. All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)