

04.02.2021
SL No.44
Court No.12
(gc)

**FMA 54 of 2021
With
CAN 1 of 2020
(Old No: CAN 1819 of 2020)**

**Nabakumar Basak
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. S. Naskar,
...for the Appellant.
Ms. Koyeli Bhattacharyya,
...for the W.B.B.S.E.

By consent of the parties, the appeal and the application are taken up for consideration and disposed of by this common order.

After hearing the learned Counsel for the parties, we feel that the following paragraphs of the impugned order dated 7th February, 2020 was not required:-

“In the light of the same, I direct the District Inspector of Schools (S.E.), Hooghly, to recommend suspension of the Headmaster forthwith to the West Bengal Board of Secondary Education by February 11, 2020 (Tuesday) and on receipt of the same, the West Bengal Board of Secondary Education should immediately initiate steps in this regard.

I further direct that the salary of the Headmaster should not be paid to him till the completion of the disciplinary proceedings.”

The aforesaid observations and directions of the learned Single Judge are set aside. However, we make it

clear that we have not interfered with the order of the District Inspector of Schools (S.E.), Hooghly dated 30th December, 2019 recommending disciplinary proceeding. The said order is also not under challenge. We only expect that the said proceeding to be completed within a reasonable time following the procedure required to be adhered to in terms of the relevant rules.

With the aforesaid observation, the appeal and the connected application stand disposed of.

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)