

S/L 32
09.4.2021
Court No.26
SD

WPA 7064 of 2021
(Via Video Conference)

Sri Abhishek Kumar Upadhyay
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Pratik Majumder

...for the Petitioner.

Mr. Pinaki Dhole
Sk. Md. Masood

...for the State.

Ms. Koyeli Bhattacharyya

...for the Board.

Mr. Himadri Barua

...for the School Authority.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by letters dated December 11, 2020 and February 13, 2021.

The letter dated December 11, 2020 relates to a letter written by the school authorities to the President, West Bengal Board of Secondary Education for requesting the Board to allow initiation of disciplinary proceeding against the petitioner.

The second letter dated February 13, 2021 is a communication made by the school authorities to the petitioner informing him of the referral of proposal for dismissal made to the Board.

The facts of the case are that the petitioner was on leave from April 17, 2017 to January 28, 2021. Subsequent to the same, he has asked the school authorities to allow him to rejoin the school.

It is clear from the facts that the matter in relation to dismissal of the writ petitioner is before the Board.

In light of the same, the Board is directed to decide the matter within a period of four weeks from date after granting an opportunity of hearing to the petitioner, the school authorities, the D.I. of Schools and any relevant parties and thereafter, pass a reasoned order in respect of the issue before them.

I make it clear that I have not decided all other points raised by the petitioner in this writ petition.

With these above observations and directions, this writ petition stands disposed of.

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

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)