

02.12.2021
SL No. 14
Court No. 24
(P.M.)

WPA 7830 of 2021

Milan Chandra Sarkar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Samarendra Nath Biswas
... for the petitioner

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta
... for DPSC

Mr. Bhaskar Prasad Vaisya,
Mr. Mrinal Kanti Ghosh
... for the State

The allegation against the petitioner is that he misutilized the school fund for his personal use. A First Information Report was lodged against him. A police case being Tapan P.S. Case No. 96 of 2019 dated 7th May, 2019 under Sections 409/420 of IPC has been initiated against him. The criminal proceeding is pending.

The submission of the petitioner is that the money that he withdrew from the school fund without permission has been deposited before the learned Court below under order of the Court.

The petitioner prays that he be reinstated in service. The Court cannot appreciate the conduct of the petitioner at all. The petitioner being a teacher of a school ought not to have misappropriated the school fund for his personal use. The petitioner admits that he withdrew the money from the school fund and thereafter returned the same. Returning

the money which was withdrawn illegally does not wipe out the offence that was committed by the petitioner.

The criminal case is pending till date. No order can be passed for his reinstatement at this stage.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)