

20. 07 . 2021

BP
Sl. 20
Court No. 17

WPA 11059 of 2021
(Via Video Conference)

Gadadhar Kundu
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Diptendu Mondal
..for the petitioner.

Mr. T.M. Siddiqui
Mr. Pradip Kumar Dey
..for the State.

Mr. Ranjan Saha
..for the respondent nos. 5 and 6.

The petitioner has challenged an order passed by the Chairman-in-Charge, Paschim Medinipur District Primary School Council pursuant to an order dated 5th March, 2021 passed by this Court in WPA 10163 of 2020 (Gadadhar Kundu vs. State of West Bengal and others).

In the said matter the grievance of the petitioner was that he was not being allowed to join service as he had been enlarged on bail after remaining in custody for some days. It appears from the impugned order that the Chairman-in-Charge, Paschim Medinipur District Primary School Council after hearing the petitioner has

emphasised on the question regarding “moral turpitude” of the petitioner in view of the allegations made against him under Sections 498A, 323, 327, 307, 406 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. I do not think that the Chairman has made any mistake in not allowing the petitioner’s prayer to join the school on the ground of moral turpitude. Therefore, the order impugned before me is not interfered with considering the nature of allegation for which the petitioner was arrested and considering the tender age of the students of the concerned school who will definitely be influenced if the petitioner now starts teaching them. It is to be kept in mind that unless there is a prima facie case against a person he would not have been kept in custody. His joining will also send a negative message to the guardians of the students. Therefore, considering the larger picture of the effect of his joining in the mind of the students and their guardians and in the teaching and non-teaching staff of the school, I refuse to pass order in favour of his joining in the school.

However, the petitioner has prayed for payment of his subsistence allowance which he has pleaded in paragraph 16 of the writ application. He has a specific prayer also being prayer (c) in the instant writ application. I leave this matter of payment of

subsistence allowance to the Chairman-in-Charge, Paschim Medinipur District Primary School Council for which he shall take a decision by two months from the date of communication of this order and intimate his decision to the writ petitioner thereafter.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

