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06.12.
2021
Ct. No.17

WPA 15940 of 2021

Asis Kumar Sinha
Vs.
The State of W. B. & Ors.

Mr. Amitabrata Roy
.....**For the Petitioner**
Mr. Ekramul Bari
Ms. Tanuja Basak
....**For the School Authority**
Ms. Koyeli Bhattacharyya
....**For the WBBSE**
Mr. Pinaki Dhole
Ms. Kakali Samajpati
.....**For the State**

The prayer of the writ petitioner here is for withdrawal of the Memo No. DA/584/1//21 dated 10th September, 2021 along with order dated 17th August, 2021. The first Memo is a notice of hearing issued by the West Bengal Board of Secondary Education and the next one is a decision of the West Bengal Board of Secondary Education.

I have perused the order passed by the President, Ad hoc Committee, West Bengal Board of Secondary Education. Relevant portion of which is as follows: -

“Sri Asis Kumar Sinha, Headmaster of Singur Mahamaya High School, Hooghly had submitted his letter of resignation dated 13.08.20 from the post of headmaster before the President of the managing

committee of the school and started being absent in the school from the said date. The managing committee in its letter dated 16.09.20 had requested Sri Asis Kumar Sinha to withdraw the said letter and resume his duty within 30.09.20. But Sri Sinha did not resume his duty. So, in a meeting dated 05.10.20 the m.c. resolved to accept the resignation of Sri Asish Kumar Sinha.

But in a letter dated 15.10.20 Sri Asis Kumar Sinha, informed the m. c. about his desire to withdraw the resignation and to join the duty.

The President of the school managing committee in his letter dated 17.10.20 sent the matter to the Board for necessary action.

The WBBSE in its letter dated DA/407/20, dated 26.11.20 has requested the concerned DIS/SE to conduct an enquiry in the present matter and submit a report to the Board.

The concerned DIS/SE submitted a report dated 09.02.21 where he only put forward the chronology of the above mentioned events and requested the Board to take a decision in this regard.

The matter was placed before me, the President, WBBSE and I decide to take a hearing on the matter on 17.08.21.

Findings:

On the basis of the submissions made in the

hearing, I am of the opinion that the managing committee of Singur Mahamaya High School has requested Sri Asis Kumar Sinha several times to withdraw his resignation and has given him ample opportunities to join the school in his earlier post i.e. the Headmaster of the school. But Sri Asis Kumar Sinha did not oblige the school authority.

During the hearing, Sri Asis Kumar Sinha accepted the fact that he sent a letter dated 15.10.20 to the school authority expressing his desire to withdraw the resignation but also mentioned that he did so in persuasion of the concerned DIS/SE. Moreover, he stated in the hearing that the reasons which were instrumental behind his decision of resignation are still persisting in the concerned institution.

Hence, after careful consideration of the facts and circumstances and after taking into account the relevant papers and documents and the submission made by the concerned parties at the time of hearing, I, President, West Bengal of Secondary Education approve the proposal of the managing committee of Singur Mahamaya High School dated 05.10.20 regarding the acceptance of the resignation letter of Sri Asis Kumar Sinha, the Headmaster of the school.”

Learned advocate for the petitioner has relied upon one letter of the President of the said school

where the President wrote to him that the Managing Committee would wait for his positive reply till 30th September, 2020. No positive reply was received by the Managing Committee. The petitioner's resignation letter was accepted on 05.10.2020. Thereafter the petitioner withdraw his resignation letter on 15.10.2020. Under such circumstances the matter was placed before the Board by the school Managing Committee and the Board after giving an opportunity of hearing and after considering the facts and circumstances of the case have passed an order of approval of proposal of the Managing Committee regarding the acceptance of the resignation letter of the petitioner.

I do not find any illegality in the decision taken by the Board and I find that the petitioner acted with high degree of irresponsibility and he is not entitled to any order in his favour from this court.

The writ application is dismissed without any order as to costs.

(Abhijit Gangopadhyay, J.)

