

Item No.4

16.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 16805 of 2021
Sri Goutam Bhattacharjee
v.
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner.

Mr. Bhaskar Prosad Vaisya
Mr. Arindam Chattopadhyay
... for the State respondents.

Mr. Biswabrata Basu Mallick
... for DPSC, Hooghly.

The petitioner is a primary school teacher. He was taken in custody on February 2, 2021 in connection with Baranagar Police Case No. 50 of 2021 dated January 31, 2021 under Sections 306/506/34 of the Indian Penal Code.

The Chairman-in-Charge/Secretary, Hooghly District Primary School Council invoked the provision of Rule 7 of the Notification No. 906-SE(Pry.), dated July 9, 2001 and placed the petitioner under suspension from the date of his detention till the date of disposal of the case or until further order.

The criminal case is pending consideration before the Court till date. No further order has been passed by

the District Primary School Council after placing the petitioner under suspension.

The petitioner was released from custody on March 24, 2021. The petitioner prays for a direction upon the respondent authority to permit him to resume his duties.

According to the petitioner the authority concerned ought to permit him to join the school after he has been enlarged on bail.

The respondents oppose the contention of the petitioner.

The law in this regard has been put at rest by several orders passed by this Court.

In the matter of Union of India –vs- Rajiv Kumar reported in (2003) 6 SCC 516 paragraph 29 wherein it has been categorically held by the Hon'ble Supreme Court that the order of suspension does not lose its validity after the period of detention is over.

In Birbhum District Primary School Council & Anr. v. Md. Mukhtar Hossain & Ors. reported in 2009(1) CHN 476 the Court was pleased to hold that to infer that the sub-rule discontinues the suspension on cessation of detention would be to plant words therein.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)