

WPA 28549 of 2017

**Ismail Hoque & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)**

Mr. Jaharlal De
Ms. Smita Das De

... ... for the State

The allegation in the present petition is that the Headmaster and one Assistant Teacher of Sabdhan High School (H.S.) of Village - Sabdhan, P.O. – Sabdhan, District – Uttar Dinajpur have misappropriated a sum of ₹ 17,000,00/- (Rupees seventeen lakh only) in respect of Pre-Matric and Post-Matric Scholarship by creating many fake students.

Record reflects that in pursuance to the direction of the Block Development Officer, Karandighi, Uttar Dinajpur dated 03.02.2017 an enquiry was conducted and the enquiry report dated 08.02.2017 reveals that some of the names of the students were mismatching and the District Magistrate Uttar Dinajpur while sending the communication dated 16.02.2017 to the District Inspector, Secondary Education, Uttar Dinajpur had also noted that the majority of the students listed in the list were fake and it was reflected that in the list 140 students were hosteller whereas there was no hostel in the said institute. The District Inspector consequently had sent the communication dated 22.02.2017 to

President of School Management Committee for taking the disciplinary action against the concerned person.

Record further reflects that though the show cause notice dated 28.03.2017 was issued to the Headmaster but no further steps taken in this regard are on record.

Learned counsel for the State has informed that the case in respect of criminal breach of trust was also started in Karandighi Police Station Case No. 199/17 dated 02.05.2017 under sections 409/417 IPC.

No one is appearing for the petitioners to the prosecute this petition.

Undisputedly, it is the responsibility of the respondent no. 6, the District Inspector (S.E.), Uttar Dinajpur to ensure that the appropriate steps are taken in the matter.

Hence, we dispose of the present petition directing the respondent no. 6 to duly examine the matter and ensure that appropriate steps are taken in respect of the allegation of defalcation of amount against the concerned person without any delay.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)