

S/L 7
28.01.2021
Court No.26
SD

**WPA 11232 of 2020
(Via Video Conference)**

Sandipan Mitra
Vs.
State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya
Mr. Indranil Roy
Mr. Sunit Kumar Roy

...for the Petitioner.

Mr. Pinaki Dhole
Ms. Ananya Neogi

...for the State.

Ms. Koyeli Bhattacharyya

...for the Board.

Mr. Amales Ray
Ms. Mousumi Bhowal

...for the Respondent Nos.7 & 8.

Mr. Partha Sarathi Bhattacharyya, counsel appearing on behalf of the petitioner, raises two grounds of challenge with regard to the actions of the respondent authorities. The first ground is that the authorities have not complied with Rule 5(4) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018 (hereinafter referred to as 'the said Rules'). Secondly, he has challenged the directions given by the West Bengal Board of Secondary Education (hereinafter referred to 'the Board').

In the order of suspension dated December 8, 2020, a direction was given to the District Inspector of Schools (SE), Barrackpore to make a thorough enquiry in the matter and

to send a comprehensive report to the President, West Bengal Board of Secondary Education.

Rule 5(4) of the said Rules clearly indicates that the documents that authorities are relying upon in the charge-sheet, have to be provided to the petitioner.

Ms. Koyeli Bhattacharyya, counsel appearing on behalf of the Board, submits that same shall be provided by the disciplinary authority of the Board.

With regard to the second contention of Mr. Bhattacharyya, it is clear that the disciplinary authority has already appointed an Inquiry Officer as per Rule 5(5) of the said Rules and therefore, there is no further requirement of appointing any other Inquiry Officer. Any further enquiry by any other Officer shall only complicate the matter in question and result in multiplicity of proceedings.

In light of the same, the portion of the order of suspension dated December 8, 2020 in relation to the direction given on the District Inspector of Schools (SE), Barrackpore to carry out a thorough enquiry is hereby set aside.

The disciplinary authority is directed to supply the documents and the list of witnesses upon the petitioner within a period of two weeks from date.

With these observations, WPA 11232 of 2020 is disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)