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2021
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

**W.P.A. 6 of 2021
Biseswar Barman
-Versus-
The State West Bengal & Ors.**

**Mr. Surajit Basu
Mr. Ratan Chandra Roy
Mr. Debajit Kundu** ...For the Petitioner

**Mr. Amalesh roy
Mr. Deborshi Dhar** ...For Respondent Council

**Mr. Hirak Barman
Ms. Bedashruti Bose** ...For State Respondents

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order of suspension dated September 24, 2019, which was a deemed suspension due to arrest of the petitioner.

It is to be noted that the petitioner was under custody for 39 days, thereafter has been enlarged on bail.

The case of the petitioner is that no disciplinary proceedings have been initiated against him and the suspension is continuing for over and above one and half years now.

Learned Counsel appearing on behalf of the petitioner relies on two decisions in the cases of *Birbhum District Primary School Council and Anr. Vs. Md. Mokhtar Hossain & Ors.*, reported in 2008 SCC online Cal 746 and *Ajay Kumar Choudhary vs. Union of India Through Its Secretary & Anr.*, reported in (2015) 7 SCC 291 to buttress his argument that the Authorities are acting in an illegal manner by continuing with the suspension order.

Mr. Amalesh Roy, learned Counsel appearing on behalf of the Council fairly submits that the authorities should take a decision on the suspension order in a time bound manner.

Without going into the merits of the matter, I accordingly, direct the Chairperson, Coochbehar District Primary School Council, being the respondent No. 7 herein to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order with regard to the suspension order within a period of three weeks from the date of communication of this order.

The reasoned order should be communicated to petitioner within a week from the date of passing such reasoned order.

Needless to mention, if the order of suspension is removed, the petitioner should be allowed to rejoin his post immediately.

With the aforesaid observation the writ petition 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, on priority basis.

(Shekhar B. Saraf, J.)