

02.03.2022
SL No.19
Court No.8
(gc)

**MAT 244 of 2022
With
CAN 1 of 2022**

**Gouranga Das
Vs.
State of West Bengal & Ors.**

(Via Video Conference)

Mr. Subir Sanyal,
Mr. Siddhartha Sankar Mandal,
...for the Appellant.
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharya,
Ms. Mithu Mahapatra,
...for the Petitioner/Respondent.
Mr. Santanu Mitra,
Mr. Subhabrata Das,
....for the State.
Ms. Supriya Dubey,
...WBCSSC.
Ms. Koyeli Bhattacharya,
...for the WBBSE.

We are not satisfied with the submission made on behalf of the appellant that the Headmaster was innocent and could not have been penalized. It is the duty and responsibility of the Headmaster to impress upon the Managing Committee with regard to the eligibility of the petitioner for transfer and an expeditious step by the Managing Committee is expected. We direct the District Inspector of Schools to enquire into the matter and find out if there has been any lapse on the part of the Headmaster or the Managing Committee in considering the application filed by the petitioner for transfer. The delayed consideration of the application for transfer may likely cause serious prejudice to the petitioner.

However, we modify the order dated 8th February, 2022 only to the extent that the Headmaster shall function under the strict supervision of the District Inspector of Schools till the enquiry to be initiated by the District Inspector of Schools following the observations of the learned Single Judge is concluded and the same shall be placed before the learned Single Judge for further consideration. This order is passed keeping in view the welfare of the students and the disruption that are likely to be caused in the event the Headmaster is removed at this stage. All policy decisions with regard to the administration of the school shall be taken by the District Inspector of Schools and the Managing Committee shall have no say in this regard for the time being.

The District Inspector of Schools shall file a report in a sealed cover before the learned Single Judge four weeks hence.

We request the learned Single Judge to postpone the date of hearing on the basis of the observation made by us in this order.

The transfer application of the writ petitioner shall immediately be processed and all the grievances of the writ petitioner with regard to such transfer shall be redressed by the date to be fixed by the learned Single Judge in terms of this order.

The period of seven days of absence of the Headmaster shall not be treated as break in service. This is, however, subject to the final result of the writ petition and depends

upon the report to be filed by the District Inspector of Schools with regard to the conduct of the Headmaster.

The School Service Commission shall act on the basis of the direction passed by us in this order within the aforesaid time.

The order of the learned Single Judge dated 8th February, 2022 stands modified to the aforesaid extent.

Accordingly, the appeal being MAT 244 of 2022 and the application being CAN 1 of 2022 stand disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)