

Item No. 79

19.05.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 8002 of 2022  
Syed Imroze Ali  
v.  
The State of West Bengal & Ors.

Mr. Sk. Rejaul Alam  
Mr. Pankaj Halder  
... for the petitioner.

Mr. Supriyo Chattopadhyay  
Ms. Iti Dutta  
... for the State respondents.

Mr. Nirmalya Kumar Das  
Mr. Jahangir Hossain  
... for the respondent nos. 7 to 11.

Mr. Nadeem Sulaiman  
... for the Madrasah Board.

The petitioner is a suspended teacher of a Madrasah. He is aggrieved by the order of dismissal passed in the disciplinary proceeding initiated against him.

The primary contention of the petitioner is that the notice of the disciplinary proceeding which was issued by the Madrasah on August 14, 2021 reached him on August 21, 2021. The date for conducting the enquiry was fixed on August 21, 2021. The petitioner received the letter of the disciplinary proceeding after the time fixed for enquiry.

In view of such delayed receipt of the notice of enquiry, the petitioner was not in a position to attend and contest the disciplinary proceeding.

Admittedly, the disciplinary proceeding was conducted *ex parte*.

There is nothing on record to show that the petitioner was served with the notice of the disciplinary proceeding prior to the date fixed for enquiry.

In view of the above, the order passed in the disciplinary proceeding is set aside. The Madrasah authority shall conduct fresh disciplinary proceeding strictly in accordance with law, by following the principles of natural justice and pass order therein after giving fair opportunity of hearing to the petitioner to defend himself.

The decision taken by the Managing Committee of the Madrasah on September 14, 2021 is accordingly set aside and quashed.

It is submitted by the learned advocate for the petitioner that after the order of dismissal was passed the Madrasah stopped paying the suspension allowances. As the order for dismissal has been set aside by the Court, the Madrasah authority will be obliged to disburse the suspension allowances to the petitioner in accordance with law.

The writ petition stands disposed of.

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.)**