

13.06.2022.
Court No.13
Item No. 25
ap

W.P.A. No. 9855 of 2019
ATM Nayeemul Haque
Versus
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Ivra Rahaman.

...For the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta.

..For the State.

Ms. Koyeli Bhattacharyya.

..For the WBBSE.

Affidavits-of-service filed in Court today be taken
on record.

The writ petitioner has been suspended since the year 2002, for being in custody for more than 48 hours, in connection with Howrah G.R.P.S. Case No. 31 dated 02.03.202 and G.R.P. G.R. No. 39 of 2002 under Sections 120B/121/121A/122/123 of the Indian Penal Code and Sections 3/4/5 of the Explosive Substance Act. The petitioner continues to be in suspension till date.

Counsel for the petitioner submits that the act for which the petitioner was in custody has got nothing to do with the petitioner's service in the School. There is no misconduct ever found by the School against the petitioner.

In that view of the matter, the petitioner is entitled to a review of his suspension.

It also appears that the petitioner is being paid subsistence allowance since 2002.

The Court notes with anguish that the petitioner is being paid subsistence allowance for twenty years now without any service being rendered to the State or the School.

The West Bengal Board of Secondary Education shall, therefore, review the petitioner's suspension and/or consider any other steps as may be permitted in law, within a period of two months from the date of communication of a copy of this order.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)