

Court No. 22
14.12.2022
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12579 of 2019

Bhaskar Dewanji
VS
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Koushik Roy
..... for the petitioner
Mr. Washef Ali Mondal
.....For respondent No. 5
Mr. Syed Nazmul Hossain
Mr. Syed Raihanul Hossain
.... For respondent No. 7
Mr. K. Chatterjee
Mr. Mukesh Gupta
.... For respondent Nos. 7 & 8
Mr. Susanta Pal
.... For the State

Two affidavits of service filed in Court today,
are taken on record.

The petitioner claims to be an **Assistant Teacher** for the subject **Chemistry** at **Titagarh Anglo Vernacular High School (H.S.)**. pursuant to a direction made by a co-ordinate bench on December 13, 2018 in **WP No. 15513(W) of 2018** a fact finding enquiry was conducted by the respondent No. 3, **Annexure P-6** to the writ petition. After conducting such fact finding enquiry the petitioner was allegedly found of guilty of certain alleged charges and the matter was referred before the respondent No. 6 to take further steps in accordance with the existing Rules. After receiving the said fact finding enquiry report **Annexure P-6** to the writ petition the petitioner

by its communication dated April 16, 2019, **Annexure P-7** to the writ petition replied to the fact finding report. It appears from **Annexure P-7** to the writ petition that, reply was addressed to the respondent No. 3 though in terms of the fact finding report the matter was referred before the respondent No. 6 for taking necessary steps in terms of the existing Rules.

In view of the above, to sub-serve justice the respondent No. 3 is directed to submit the said fact finding enquiry report dated April 9, 2019, **Annexure P-6** to the writ petition along with the said reply of the petitioner thereto dated April 16, 2019, **Annexure P-7** to the writ petition before the respondent No. 6 positively within a period of two weeks from the date of communication of this order to the respondent No. 3 by the learned advocate for the State appearing in the matter Mr. Susanta Pal.

The respondent No. 6 then upon giving at least seven days prior hearing notice to the petitioner and the respondent Nos. 5, 7 and 8 and then after giving them an opportunity of hearing shall decide the issue on the same by passing a reasoned order/decision.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 6 positively within a period of eight weeks from the date of receiving the records as directed above from the respondent No. 3 and the respondent No. 6 shall communicate its reasoned order/decision to the

petitioner, respondent Nos. 5, 7 and 8 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, the respondent No. 6 shall decide the allegations against the petitioner made by the respondent No. 3 in its fact finding report and upon taking consideration of the reply of the petitioner thereto.

It is further made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner and the petitioner shall be at liberty to urge whatever points he wishes to urge before the respondent No. 6 by relying upon whatever records and documents he wishes to rely upon but restricted to the allegations made by the fact finding authority in its fact finding report being **Annexure P-6** to the writ petition.

The petitioner and all other concerned parties as directed above shall be at liberty to participate in the hearing before the respondent No. 6 through their duly authorized representatives.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is equally made clear that, this order shall not create any equity in favour of the petitioner, if the petitioner is not eligible to sustain its defense mentioned in its reply strictly in accordance with law.

The respondent No. 6 shall proceed strictly in accordance with law.

On the above terms, this writ petition being **WPA 12579 of 2019** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)