

07.09.2022
Court No.13
Item No.611
AP

WPA 16884 of 2022

**Partha Pratim Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Sarwar Jahan
Mr. Maidul Islam Kayal
Mr. Tarak Nath Halder
Mr. Sumit Naskar

... For the Petitioners.

Mr. Robiul Islam
Mr. Raju Mondal
Mr. S.A. Munshi

... For the Respondent No.8.

Mr. Sunit Kumar Ray

... For the Respondent No.9.

Mr. Anindya Bose
Mr. D. Mandal

... For the Respondent No.11.

The petitioner was the headmaster of Chandpur High School at Rajarhat and is under suspension. There are allegations of defalcation of funds against him, which is pending investigation in an FIR registered by the Rajarhat P.S.

The respondent No. 8, Swarup Kumar Dalal, is the successor of the writ petitioner and was appointed as a Teacher-in-Charge. He has also been suspended for alleged acts of defalcation of funds on the same school. An FIR has been registered with the Rajarhat P.S. is pending investigation.

The respondent No.11, Mr. Indrajit Porel, is an Assistant Teacher of Champagachi High School, Rajarhat.

The respondent No.9, Mr. Timir Mandal, is an Assistant Teacher of Chandpur High School, Rajarhat.

The respondent No.8 has lodged a complaint against respondent No.9, Mr. Timir Mandal and some other assistant teachers namely Dipak Kumar Ghosh, Indrajit Porel and the ex-president of the Chandpur High School, Bikas Chandra Ghosh for defalcation of funds of the school.

Coordinate Benches of this Court have passed orders directing completion of the investigation in the matter of defalcation of funds.

What appears to be clear from the facts is that the petitioner as well as the private respondents and the schools are all under allegations of defalcation of funds.

In view of the above and given the complicated nature of the case, this Court is of the view that the investigation ought to be entrusted to an independent and responsible agency.

This Court directions the CID, West Bengal to forthwith take over all the existing FIRs and complaints in respect of the teachers, the two schools and the suspended teacher-in-charge and the suspended headmaster immediately from the Rajarhat Police Station. Complaints already lodged by other respondents

shall also be investigated and, if necessary, FIR shall be registered. The CID, West Bengal shall complete the investigation into the matter within a period of two months from date. The Rajarhat P.S. shall transfer all the records, case diaries and FIRs and complaints in the matter to the CID, West Bengal.

Each of the parties shall extend full cooperation in course of the investigation.

Let a copy of this order be served on the head of the CID, West Bengal, who shall be entitled to endorse investigation to an appropriate officer and/or team of officers, at his discretion.

Let a copy of this order be communicated to the head of the CID, West Bengal by the parties immediately.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)