

01.08.2022.
Court No.13
Item No. 10
pk

W.P.A. No. 19758 of 2021

**Golam Sarwar
Versus
The State of West Bengal and others**

Md. Sarwar Jahan,
Mr. Ashraful Haq,
Mr. Maidul Islam Kayal,
Mr. Binay Shaw

...for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Avishek Prasad

... for the State..

Mr. Sutanu Kumar Patra.
Ms. Supriya Dubey.

...for the SSC.

Ms. Saswati Chatterjee

... for the West Bengal Board of Secondary
Education.

The allegation made in the writ petition are belied by the report of the District Magistrate and Collector, Murshidabad, which is taken on record. The said report has been filed pursuant to a direction of the Co-ordinate Bench on 02.05.2022.

It appears from the enquiry report that the distance between the school where the petitioner has been transferred and his residence is only about one km and the petitioner does not have to take any boat from Hasanpur to reach a char since there is a concrete road. The petitioner has a motor cycle and the distance he has to cross is around 300 meters.

For having made completely false and misleading statements on affidavit, this Court is inclined to grant sanction to prosecute the petitioner. However, Mr. Sarwar Jahan, learned advocate for the petitioner has prayed for pardon since a criminal proceeding and conviction thereunder would extinguish the service of the petitioner.

Taking a slightly lenient view, this Court imposes cost on the writ petitioner assessed at Rs.21,000/-. The said sum shall be deducted by the D. I. of Schools out of the salary and the monthly emoluments payable to the petitioner for the month of August, 2022.

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

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

(Rajasekhar Mantha, J.)