

Court No. 22  
**22.9.2022**  
(Item No. 17)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 20252 of 2022**

Nirupam Kumar Pradhan  
VS  
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath  
Mr. Anirban Saha  
..... for the petitioner  
Mr. Susanta Pal  
Mr. Prabir Kumar Dey  
..... for the State  
Mr. Dyutimay Paul  
.... For respondent No. 9

Affidavit of service filed in Court, is taken on record.

The writ petitioner claims to be an **Assistant Teacher** in the **Science Stream** at **Analberia High School, District Purba Medinipur** since 1992. Since the year 2018 till 2019 the petitioner suffers severe eye problem and had undergone treatment. Though averment made in the writ petition shows otherwise in paragraph 10 that the petitioner had been suffering from April 2021.

In such circumstance, the petitioner was marked with unauthorized absent by the School Authority. The School Authority had lebeled charges against the petitioner accordingly.

Mr. Sujit Kumar Rath, learned advocate appears for the petitioner submits that, the petitioner made several representations, **Annexure P-11** to the writ petition before the respondent Nos. 6, 8 and 9

and the same did not receive any attention. Representation was also made before the respondent No. 3, which is also still pending.

Mr. Susanta Paul, learned advocate appears for the respondent Nos. 1, 2, 6 and 7 submits that, on the issue involved in this writ petition the School Authority had already drawn attention of the respondent No. 3. The respondent No. 3 on June 13, 2022 had commenced an enquiry had suggested the disciplinary authority to commence a preliminary enquiry by the respondent No. 6. Such step was taken by the respondent No. 3 on August 1, 2022. Such an enquiry is on motion.

Mr. Dyutimoy Paul, learned advocate appears for the respondent No. 9 submits that, the petitioner was unauthorizedly absent since 2018 without showing any explanation whatsoever. A show cause dated November 30, 2021 was also served upon the petitioner by the School Authority. To such show cause the petitioner replied by its letter dated December 15, 2021, part of **Annexure P-10** to the writ petition. Several reminders were also there from the end of the school.

Considering the issues involved in the writ petition and considering the submissions made on behalf of the appearing parties before this Court today, this Court is of the firm view that, justice would be sub-served in this writ petition at this stage by

directing the respondent No. 3 and 6 to conclude the entire enquiry proceeding strictly in accordance with law within a period of six months from the date of communication of this order.

After conducting the preliminary enquiry if the charges are framed then necessary charge sheet shall be served upon the petitioner by granting an opportunity to him to reply thereto and then the further disciplinary proceeding shall take place after granting an opportunity of hearing to the petitioner as well as the relevant School Authority, the respondent No. 9 and then the disciplinary authority shall come to a reasonable conclusion with its reasoned order/decision on the issue. The disciplinary proceeding, if commences in terms of the charge sheet, the same shall also be concluded within a period of four months from the date of furnishing charge sheet to the petitioner.

It is made clear that, this Court has not gone into the merit of this writ petition. All points are kept open for the parties to urge during the disciplinary proceeding. The petitioner shall be at liberty to rely upon whatever documents and record it wishes to rely upon.

It is further made clear that, the enquiry officer or the disciplinary authority and or any other respondent authorities shall not be influenced by any observation made by this Court in this order.

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

On the above terms, this writ petition being **WPA 20252 of 2022** 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.)**