

27-06-2022
ct no. 13
Sl. 26
sp

WPA 20541 of 2019
With
CAN 1 of 2020
Uttaran Biswas
-Versus-

State of West Bengal & Ors.

Mr. Goutam Narayan Bhattacharya,
Ms. Shraboni Sarkar

....for the petitioner

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal

...for the State

Ms. Koyeli Bhattacharyya

...for the W.B.B.S.E.

The Chairman, West Bengal School Service Commission, be added as a party respondent to the proceeding.

The Headmaster Mr. Angshuman Ghose, is present in Court.

This Court takes serious note of the conduct of the Headmaster in not responding immediately to notices issued by this Court. It is expected that such conduct shall not be repeated again in the future.

It appears from the report submitted by the Headmaster that the petitioner has been coming late to the school repeatedly. The same cannot itself be a ground not to allow the petitioner to join service. He should have been marked late.

However, to deal with a teacher who repeatedly comes late, the rules of the State provide for appropriate disciplinary action. It is surprising to note as to why the Headmaster has not reported the same to the D.I. of Schools.

The petitioner himself has been no less recalcitrant. He has absented himself from the school for three continues years after writing letters to the D.I. of Schools.

The Headmaster has also produced records relating to the petitioner's conduct. The records indicate that the petitioner has been habitually late and non-cooperative, if not insubordinate. It also transpires from the records that the petitioner has lodged a complaint against the Headmaster which has resulted in an FIR. After investigation, no evidence is found against the Headmaster.

The school has already issued a 'No Objection' Certificate to the petitioner for transfer. This matter is referred for a decision of the D.I. of Schools of Bongaon, North 24 Parganas.

The D.I. of Schools shall take a decision on the following matters. (1) Whether to institute appropriate disciplinary action against the petitioner for unauthorized absence for long periods, or (2) to recommend the petitioner for transfer by the School Service Commission, to any

post that the Commission may deem fit and proper, without giving the petitioner any choice.

The three years of absence of the petitioner shall be deemed a break in service. He shall not be given the benefit of the three years in his service book.

This Court is of the view that the conduct of the petitioner is otherwise unbecoming of an Assistant Teacher.

It is expected that the D.I. of Schools, shall take a suitable decision, within a period of 45 days from date and communicate the same to the petitioner and the Headmaster.

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

In view of the above, all connected applications shall also stand disposed of.

The personal presence of the Headmaster is dispensed with.

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.)