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26.07.2022
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W.P.A. 23905 of 2017
(Kalidas Panda vs. State of West Bengal & Ors.)

Mr. Kamalesh Bhattacharya
Mahammed Mahmud
M. S. Mollah
Mr. Biswajit Bhattacharya
.... For the Petitioner

Mr. Kamal Mishra
Mr. Pratap Sanpui
.... For the Respondent No. 7
Ms. Koyeli Bhattacharya
.... For the WBBSE

Affidavits-in-opposition filed by the two schools are taken on record. Reply to one such affidavit-in-opposition filed by the petitioner is taken on record.

The writ petitioner prays for direction upon the respondent Nos. 6 and 7 to permit him to join as Headmaster in Ajaya Annada Bidyamandir, Purba Medinipur.

The petitioner was appointed as an assistant teacher in Shibpur Keshabeswar High School in April 2000. He worked there continuously and also obtained a housing loan from Vidyasagar Central Cooperative Bank Limited. The repayment of said loan was guaranteed by the Headmaster and the Secretary of the

school. The petitioner defaulted in payment of the said loan.

The petitioner subsequently joined in the post of Headmaster at Ajaya Annada Bidya Mandir, Purba Medinipur after being successful in a Regional Level Selection Test held by the School Service Commission. The petitioner is stated to have continued his default without repaying the aforesaid loans of the Bank.

Be that as it may, the petitioner was charged with defalcation of funds in the newly joined school. An FIR was registered. A Charge-sheet has been filed. Disciplinary proceeding subsequently came to be instituted and charges have been framed. The petitioner came to be suspended. Formal approval of the West Bengal Board of Secondary Education is pending.

The Court notes with surprise as to why the Board has not cleared the Disciplinary Proceedings against the petitioner till date and that too for the pendency of this writ petition. The pendency of the writ petition could not stand in the way of giving clearance to the departmental proceeding against the petitioner.

The prayer of the petitioner, therefore, of being allowed to resume his duties in the new school i. e. Ajaya Annda Bidya Mandir, Purba Medinipur is rejected.

The writ petition is however, disposed of directing the West Bengal Board of Secondary Education to

approve the departmental proceeding against the petitioner immediately. The proceedings against the petitioner shall be continued in terms of the new rules and to the extent applicable against the petitioner under the old rules.

It is expected that the departmental proceeding against the petitioner are concluded as expeditiously as possible, preferably within three months from the date of clearance of the West Bengal Board of Secondary Education.

The petitioner claims that he has not been paid the subsistence allowance. The school shall consider the same in accordance with law.

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

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)