

07. 09.09.2022
Bd. Ct.15

W.P.A. 24787 of 2016

Dinesh Kumar Sharma

-vs-

The State of West Bengal & Ors.

Mr. Kallol Guha Thakurta

... for the petitioner.

Mr. Ansar Mondal

Ms. Srilekha Bhattacharya

... for the State

Petitioner was an Assistant Teacher of Chak Bansberia D.S.H.M. High School, District- Hooghly, (hereinafter referred to as the “said school”), who as it appears from the memo dated 5th August, 2011 issued by the District Inspector of Schools (SE) Hooghly, being the respondent no. 3, worked last on 28th September, 2001 and subsequently on and from 29th September, 2001 he was found not attended the said school. It further appears from the said memo dated 5th August, 2011 of the respondent no. 3 that since he was not attending the said school for 29th September, 2001 the said school authority dismissed the petitioner from service on 17th August, 2008 in terms of the Managing Committee resolution dated 17th August, 2008. The decision has been taken by the respondent no.3 as contained in the memo dated 5th August, 2011 which appears to have been

issued pursuant to the order dated 31st January, 2011 passed by a coordinate Bench on a writ petition being WPA 29005 of 2008. In terms of the said order dated 31st January, 2011 the petitioner as well as the school authority participated in the hearing proceeding conducted by the respondent no. 3 and based on the submissions made by the parties the respondent no. 3 issued Memo dated 5th August, 2011 whereby claim of the petitioner relating to grant of service benefits was refused.

The writ petition subsequently filed by the petitioner after issuance of Memo dated 5th August, 2011 by the respondent no.3 on 6th November, 2016 but on perusal of the said writ petition including its prayer it appears that no challenge has been thrown to the decision of the respondent no. 3 as contained in Memo dated 5th August, 2011. In addition thereto no challenge has also been thrown to the order of dismissal dated 17th August, 2008 issued by the said school authority in terms of the Managing committee resolution dated 17th August, 2008 as it has been referred to in the decision of the respondent no. 3 as contained in memo dated 5th August, 2011.

This Court has heard the learned advocates representing the petitioner as well as the State

respondents. School authority remains absent before this Court today.

This Court has also perused the Memo dated 5th August, 2011 issued by the respondent no. 3 wherefrom it appears that the respondent no. 3 took decision based on dismissal order dated 17th August, 2008 passed by the said school authority as well as taking into consideration the fact that petitioner attended the said school being Assistant Teacher last on 28th September, 2001.

In view of aforesaid facts and no specific challenge has been thrown to the decision of the respondent no. 3 as contained in memo dated 5th August, 2011 as well as the dismissal order dated 17th August, 2008 passed by the said school authority, the writ petition stands dismissed.

However, this order shall not preclude the writ petitioner to take steps in accordance with law against the order of dismissal dated 17th August, 2008, if so advised.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)