

14.12.2022
Sl. No.5(DL)
srm

W.P.A. No. 26605 of 2022
Ramesh Chandra Mondal
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
Mr. Kiron Sk.

....for the Petitioner.

Mr. Susanta Pal,
Mr. Prabir Kumar Ray

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner was serving as a Head Teacher of 38 Char Binpara Primary School in the District of Murshidabad. It is submitted that as a part of supervision and implementation of the midday meal programmes, a monthly report was required to be submitted before the Block Development Officer for release of funds for such programme. Such system was being followed in terms of the direction of the District Magistrate to the Sub-Divisional Officers, Block Development Officers and other heads of civic bodies.

According to the petitioner, as the midday meal programme is a project under the panchayat authorities, the jurisdiction of this Court can be invoked.

The allegation is that when the petitioner went to submit the report for the month of February, 2022, the Block Development Officer, Bhagwangola-I, District-Murshidabad refused to accept such report. By a letter dated March 9, 2022, the petitioner requested the concerned Block Development Officer to intimate him the reasons for such refusal.

As no communication was received from the authority, this writ petition has been filed.

Mr. Pal, learned Advocate appears on behalf of the State-respondents. He files a detailed report. The same is taken on record. It appears that the petitioner had approached the authority in the month of February, 2022 to submit the report. As the report was not prepared in the proper format, the midday meal section of the office suggested corrections. The petitioner did not file the report in the corrected form for the months of February and March, 2022.

By a memo dated April 12, 2022, a show cause notice was issued to the petitioner for non-submission of the report. The petitioner did not pay any heed. The school was

suffering as the children were deprived of their midday meal, due to illegal actions of the petitioner.

There were serious allegations against the petitioner. The concerned Block Development Office took upon himself the charge of organising such midday meals. There were other allegations against the petitioner from the parents. Ultimately, the petitioner was called for hearings on three occasions before the Murshidabad District Primary School Council, but he did not appear. The petitioner was suspended by an order dated October 12, 2022 and a departmental proceeding was also initiated.

The written communication of the Chairman, Murshidabad District Primary School Council dated October 12, 2022, which was served upon the petitioner, has been filed before the Court, along with other documents. A mass petition which had been submitted by the guardians against the petitioner, has also been filed. Those are taken on record.

It also appears that the concerned Block Development Officer intimated the entire issue to the District Magistrate, Murshidabad.

Mr. Chatterjee, learned Advocate appearing on behalf of the petitioner submits that the petitioner has a right to know the reason why the reports were not accepted by the authority.

The court does not find any reason to direct the authority to supply the reasons for non-acceptance of the reports when there are communications and show-cause notices with regard to the conduct of the petitioner. It has been specifically stated that the petitioner did not submit the same in the prescribed format. Several opportunities were given. Subsequently the petitioner was suspended.

This Court has not gone into the merits of the allegations made by the respondents. Thus, all points are left open.

The allegation of the petitioner that the reasons were not supplied to him, does not survive in view of the subsequent development. The writ petition was filed on November 30, 2022 when the petitioner was already under suspension and had been served with the charge sheet. These aspects have been suppressed. It is the specific case of the authorities that the petitioner was informed about the correct format and was also asked to resubmit the same.

Under such circumstances, nothing remains to be decided in the writ petition.

However, all the points raised shall be available to the petitioner at the enquiry. The disciplinary proceeding shall be conducted independently. The documents relied upon by

the state respondents before this Court, shall be handed over to the learned Advocate-on-record for the petitioner.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)