

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27101 of 2022

Antara Roy (Das)
Vs.
The State of West Bengal & Ors.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
Mr. Madhusudan Mukhopadhyay
Mr. Biman Halder
... For the petitioner

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas
... For the State

Mr. Amitabha Ghosh
... For the respondent nos.7, 8 & 10

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

The writ petitioner claimed to be a removed
Teacher-in-Charge of one **Satashi High School (HS),
Howrah**. According to the resolution of the Managing
Committee of the School dated December 3, 2022 which
was effected on and from December 5, 2022 and one
Kalyan Chakraborty was placed in the post of Teacher-
in-charge as would be evident from the resolution of the
Managing Committee of the relevant school dated
December 3, 2022 at page 102 to the writ petition.

Mr. Amitabha Ghosh, learned advocate
appearing for the respondent nos.7, 8 and 10 submitted

that this resolution was not given any effect till today. He submitted that the writ petitioner is still working as the Teacher-in-Charge and holding the post of Teacher-in-Charge of the relevant school. He submitted that the appointment of Sri Kalyan Chakraborty by the memo dated December 5, 2022 at page 105 to the writ petition has not been given any effect.

On instruction from his client, Mr. Amitabha Ghosh, learned advocate, further undertakes that his clients have no objection if the resolutions and decisions pertaining to removal of the writ petitioner are set aside and accordingly the appointment of the said Sri Kalyan Chakraborty dated December 5, 2022 and the relevant decision taken in the resolution for the same may also be set aside.

Accordingly, the removal of the writ petitioner from the post of Teacher-in-Charge of the relevant school and all the decisions and resolutions of the Managing Committee of the relevant school connected thereto stand set aside and quashed. The consequent appointment of Sri Kalyan Chakraborty for the post of the Teacher-in-Charge after removal of the writ petitioner, including the communication dated December 5, 2022 at page 105 to the writ petition, also stands set aside and quashed.

However, the Managing Committee of the School upon causing a detailed enquiry strictly in accordance

with law and following all the relevant rules and regulations, if will be of the opinion that any step should be taken against the petitioner, they shall be free to do that without any fetter but strictly in accordance with law.

It is further made clear that the employment benefit of the writ petitioner shall not suffer in any manner for the reason of her removal which **hereby stands set aside.**

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

It is also made clear that this Court has not gone into the merits of the allegations of the school authority against the petitioner made by the school authority.

On the above terms, this writ petition, **WPA 27101 of 2022**, stands **allowed**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)