

OD 3

WPO 2381 of 2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ABHISHEK KUMAR UPADHYAY
VERSUS
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble Justice RAJASEKHAR MANTHA

Date : 23rd August, 2022.

APPEARANCE:

Mr. Saktipada Jana, Adv.

Ms. Koyeli Bhattacharyya, Adv.
...for WBBSE

Mr. Himadri Barua, Adv.
Mr. Biswajit Das, Adv.
Mr. Abhishek Chakraborty, Adv.
...for respondent nos. 7 & 8

Mr. Malay Krishna De, Adv.
...for State

The Court :- A peculiar turn of events has emerged in the matter. The petitioner has been found unauthorisedly absent for more than 3 ½ years from the Howrah Hindi High School. The Board has instituted disciplinary proceedings against him and has issued a charge-sheet. The proceedings are pending. The petitioner went to join the school. The school did not allow him to so join and was awaiting orders from the Board.

Two writ petitions were filed by the petitioner, before this Court. First of which is WPA No. 7064 of 2021 that was disposed of by an order dated 9th April, 2021. The second of which is WPO No. 2381 of 2022. The proceedings instituted by the Board have not been interfered with.

The school clearly does not want the petitioner to join service. There is bad blood between the petitioner and the managing committee of the school. Proceedings under Section 144 have also been drawn up against the petitioner at the instance of the school.

This Court is unable to appreciate as to why a person charged with unauthorised absence and is being enquired into therefor has not been allowed to join service of the school. The Board has not suspended the petitioner's service.

Considering the submissions made on behalf of the school, which has finally woken up to reality, and its omissions, the petitioner shall join Howrah Hindi High School immediately. The school shall allow him to so join.

The petitioner's service and joining shall abide by the result of the disciplinary proceedings against him. The West Bengal Board of Secondary Education is directed to complete disciplinary proceedings against the petitioner mandatorily and positively within a period of three months from date. The writ petitioner and the school shall co-operate in the said proceedings.

With the aforesaid observations, WPO No. 2381 of 2022 is disposed of.

No order as to costs.

The petitioner shall be paid salary and emoluments from the date he joins. The period of absence till date shall abide by any decision that shall be taken by the Board.

(RAJASEKHAR MANTHA, J.)