

37 19.4.2023
Sc Ct. no.22

WPA 8393 OF 2023

Antara Roy (Das)

Vs.

The State of West Bengal & Ors.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
Mr. Biman Halder.

.... For the Petitioner

Mr. Jahar Dutta
Mr. Bipin Ghosh.

.... For the State

Mr. Amitabha Ghosh

....For the Respondent
Nos. 7, 8 and 9

The facts involved in this writ petition had chequered history.

This is the third round of writ litigation filed by the writ petitioner.

The petitioner when was working as the ***Teacher-in-Charge at Satashi High School (H.S.), Howrah*** she was removed by the Managing Committee. The petitioner challenged it by way of a writ petition being ***WPA 27101 of 2022***. The writ petition was allowed by this Court by its order dated ***December 21, 2022***. The petitioner was reinstated as Teacher-in-Charge.

The second writ litigation, ***WPA 4455 of 2023*** arose when the petitioner as an existing Teacher-in-Charge claimed appointment of Administrator over and in respect of the affairs of the school alleging several

mismanagement and illegalities on the part of the Managing Committee of the relevant school.

In the said second writ petition this Court had passed its order dated March 29, 2023 which is pending. The parties were directed to file their respective affidavits. It was observed by this Court that, any policy decision taken or to be taken relating to the management and affairs of the school shall abide by the result of the said writ petition.

Subsequently the Managing Committee of the relevant school had adopted a resolution dated **March 30, 2023 at page 182 to the writ petition** and once again removed the petitioner from the post of Teacher-in-Charge. The necessary communication of removal dated **March 30, 2023, served upon the petitioner, is at page 181 to the writ petition.**

At this juncture the instant writ petition was filed challenging the said decision of removal of the petitioner.

After considering the rival contentions of the parties and on perusal of materials on record it appeared to this Court that, no disciplinary proceeding was initiated against the petitioner on the basis of the charges levelled against her on which she was removed from the post of Teacher-in-Charge. The Managing Committee of the relevant school while taking the decision for removal of the petitioner from the post of the Teacher-in-Charge of

the school, it is evident from record that had not adopted the due process of law.

At this juncture, Mr. Amitabha Ghosh, learned counsel appearing for the respondent nos. 7, 8 and 10, in his usual fairness, submitted on instruction that, the respondent nos. 7, 8 and 10 shall withdraw the decision taken in the said resolution dated **March 30, 2023 at page 182 to the writ petition**, insofar as the **removal of the petitioner from the post of Teacher-in-Charge was concerned and consequently they shall also withdraw the communication of removal dated March 30, 2023 at page 181 to the writ petition**. Mr. Ghosh further submitted that, consequently, the **appointment of the new incumbent, viz. Sri Kalyan Chakraborty appearing from page 185A**, the respondent no.9 herein shall also fail.

In view of the above, **the resolution dated March 30, 2023 insofar as the removal of the petitioner is concerned stands withdrawn. The communication of removal dated March 30, 2023 at page 181 to the writ petition also stands withdrawn by the Respondent Nos.7, 8 and 10.**

The appointment of the **respondent no.9 at the post of Teacher-in-Charge of the school fails in view of the withdrawal of the said decision for removal of the petitioner from the said post taken by the respondent nos. 7, 8 and 10.**

In view of the above, nothing further survives in this writ petition.

However, this order shall not preclude the Managing Committee of the school to take or initiate any further step against the petitioner upon causing a detailed inquiry by following all the relevant rules and regulations without any fetter, but strictly in accordance with law.

On the above terms this writ petition, **WPA 8393 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)