

Item-47. 17-10-2023

^{sg} Ct. 8

FMA 2163 of 2016

Managing Committee,
Neturia Girls' High School (HS) & Ors.
Versus
Soma Das (Mallick) & Ors.

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.
2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6th October, 2023. The appeal is again listed today in the main cause list. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.
3. The appeal was filed on 22-04-2016. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order passed by the learned Single Judge dated 9th March, 2016. The subject matter of challenge was the decision of the Secretary by which the service of the petitioner as Assistant Teacher in Physical Science was terminated.
5. The learned Single Judge, on consideration of Rule 28 sub-Rule 8 of the Management Rules, was of the opinion that

such termination is in breach of relevant Statute and Rules and the service of the petitioner could not have been terminated without completing the disciplinary proceedings.

6. The learned Single Judge directed the Managing Committee to conduct the disciplinary proceedings *de novo* as per Rule 28 Sub-Rule 8 of the Management Rules as it was held that the decision of termination was not properly initiated and was in breach of the principle of natural justice.
7. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)