

FMA 2045 of 2016

**Subhas Chandra Jana
Vs.
State of West Bengal & Ors.**

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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 6.10.2023. The appeal was appeared on 6.10.2023 and is again listed today. 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 02.5.2016. 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 appellant is not interested to proceed with the appeal.

4. The appeal is arising out of an order challenging the order of suspension. The petitioner is the acting Headmaster of the school. There is a serious allegation for defalcation of funds relating to the Mid-day Meal Scheme.

5. On considering the submissions made on behalf of the parties learned Single Judge referred the matter to the District Magistrate, Hooghly to enquire into the matter upon examination of all relevant evidence connected to the charge upon giving an opportunity of hearing to the petitioner or his authorized representative and to any other persons required to be heard. Thereafter the District Magistrate passed a reasoned order and communicated the same to the parties.

6. The interest of the petitioner was protected and he was not disallowed from his post and also entitlement of all allowances, as applicable till such matter is finally disposed of by the District Magistrate.

7. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In view of the above, the appeal is accordingly dismissed.

(Uday Kumar,J.)

(Soumen Sen, J.)

