

S/L 51
18.05.2023
Court. No. 12
Suwayan

WPA 14811 of 2016

**Sri Alok Kr. Jana & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sudeep Sanyal
Mr. Snehasish Jana
Mr. Chandrachur Lahiri*

...for the petitioners.

*Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas*

...for the State.

1. Both the writ petitioners and the respondent Nos. 1 to 8 are represented by their respective learned Advocates.
2. None appears on behalf of the private respondent Nos. 9 and 10.
3. Mr. Kartik Chandra Kapas, learned Advocate for the State/respondent Nos. 1 to 8 files a report dated 28.02.2017 as submitted by District Inspector of Schools (Secondary Education), Paschim Medinipur after serving copy of the same to Mr. Sanyal, learned Advocate for the writ petitioners let the report dated 28.02.2017 be taken on record.
4. Heard Mr. Sanyal, learned Advocate for the writ petitioners and Mr. Kapas, learned Advocate for the State/respondent Nos. 1 to 8 at length.
5. The present writ petition is now taken up for passing appropriate order.

6. By filing the instant writ petition, the writ petitioners being the parents of the students of the Chaipat High School, village and P.O. – Chaipat, Police Station – Chaipat, District – Paschim Medinipur, Pin – 721148 and the alumni of the said school contended that the private respondent No. 10 is at present the president of the said school. It is further contended by the writ petitioners that while the respondent No. 10 was the Secretary of the said school, the said respondent No. 10 taking advantage of his position and Chair most illegally and wrongfully sold the playground of the said school to an institute of which he himself was its Secretary and that such sale was conducted without taking any approval from the appropriate authority of the Government. It has been contended further that the said land of the school was measuring about 70 decimals in Plot No. 14207 and the same was illegally sold to one ‘Chaipat Bhagawati Devi Teachers’ Training Institute’ at a consideration of Rs.45,04,995/- of which the private respondent No. 10 was the Secretary.
7. It is further contention of the writ petitioners that when such clandestine deal was flashed in the newspaper and in other media, the said private respondent No. 10 in order to suppress his previous illegal activity again retransferred the self-same land to the aforementioned school by

executing two separate registered deed of conveyance wherein he posed himself as the secretary of the said school though at the time of the subsequent sale he was not holding the post of the secretary of the managing committee of the said school and on the contrary he was the President of the said school as appointed by the respondent No. 3, i.e., Director of School Education, Government of West Bengal.

8. It is, thus, contended on behalf of the writ petitioners that while executing the subsequent two deeds of sale dated 26.04.2016 the private respondent No. 10, manufactured the seal and stamp of the Secretary of the said school and, thus, committed a crime which is penal in nature. It is, thus, contended that in view of the illegal activity of the private respondent No. 10 a writ of mandamus be issued commanding the state respondents to take steps for removal of the present respondent No. 10 from the post of President of Chaipat High School with a further prayer for directing the state/respondents to take appropriate measure as against the private respondent No. 10.
9. While placing his reliance upon the report dated 28.02.2017 Mr. Kapas, learned Advocate for the respondent Nos. 1 to 8 submits before this Court that from the report as submitted by District Inspector of Schools (Secondary Education),

Paschim Medinipur it reveals that the allegation as made out in the writ petition is absolutely correct and, therefore, interference of this Court in its writ jurisdiction is absolutely called for. Mr. Kapas further submits before this Court that for effective adjudication of the instant writ petition appropriate order may be passed upon the State respondents to take action against the Headmaster of the Chaipat High School also who has been arrayed as respondent No. 9.

10. On consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties and also on perusal of the report dated 28.02.2017 as submitted by District Inspector of Schools (Secondary Education), Paschim Medinipur it reveals *prima facie* that the present respondent No. 10 has acted beyond his authority and that too without the approval of the managing committee of the Chaipat High School and also without taking due approval from the School Education Department, Government of West Bengal.
11. In view of such, this Court while disposing the instant writ petition directs the respondent No. 3, i.e., Director of School Education, Bikas Bhawan, 7th Floor, Salt Lake, Kolkata 700091 to take immediate steps for removal of the private respondent No. 10, i.e., Anup Alu, son of Sri Probodh Chandra Alu, (President of Chaipat High

School) residing at village and Post office – Chaipat, Police Station – Daspur, District – Paschim Medinipur, Pin – 721148 from the post of President, Chaipat High School within a fortnight from the date of communication of this order.

12. Respondent No. 3, i.e., Director of School Education, Bikas Bhawan, 7th Floor, Salt Lake, Kolkata 700091 is further directed to lodge FIR against the respondent No. 10 positively within a month from the date of communication of this order and I.C. of Police Station – Daspur, District – Paschim Medinipur is hereby directed to initiate investigation on the basis of the FIR to be lodged by respondent No. 3 without any delay.
13. Department is hereby directed to forward a copy of this order to learned Additional Chief Judicial Magistrate, Ghatal, District-Paschim Medinipur for his information and for doing the needful so as to enable himself to keep the surveillance over the investigation as conducted by the Investigating Officer as would be nominated by the O.C./I.C. of Daspur Police Station, District-Paschim Medinipur.
14. With the aforementioned observation, the instant writ petition being WPA 14811 of 2016 is disposed of.
15. Parties to act on the server copies of this order.

16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)