

14.09.2023
SL No.83
Court No.8
(gc)

**MAT 1406 of 2023
CAN 1 of 2023**

**Utpal Mondal
Vs.
Bimal Chandra Sarkar & Ors.**

Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. S. Sureka,
Mr. Debashis Das,
...for the Appellant.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal,
...for the State.

Mr. Supriyo Chattopadhyay, A.G.P.,
Ms. Iti Dutta,
...for the DPSC/ Respondent Nos.6 & 7.

Mr. Soumen Kr. Dutta,
Mr. Sabyasachi Bhattacharjee,
...for the Writ Petitioner/
Respondent No.1.

1. This appeal is arising out of an order dated 11th July, 2023 in which the DIG (CID), West Bengal was directed to make a thorough investigation as to the allegation made against the private respondent, being respondent No.11. This order is under challenge. It has been argued that the allegation is mala fide and the petitioner is working in the said school for the last seven years.
2. In the facts and circumstances of the case, we do not find any reason to interfere at this stage. However, we make it clear that in the event the report filed by the

DIG(CID) supports the case of the respondent No.11, the writ petition may be dismissed with exemplary cost not less than Rs.1,00,000/- to be paid to the respondent No.11 and he may be held to be guilty of perjury.

3. In the event the report is found to be favourable in favour of the present appellant, it is needless to mention that the salary shall be released in favour of the appellant herein.
4. The impugned order stands modified to the aforesaid extent.
5. In view of the pendency of the appeal, the prayer may be made before the learned Single Judge for extension of time to file affidavit-in-opposition.
6. Accordingly, the appeal and the application stand disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Partha Sarathi Sen, J.)

(Soumen Sen, J.)