

23.08.2023
(D/L-02)
Ct.-18
(Susanta)

W.P.A. 19158 of 2021

Sharmistha Ghosh
-Vs-
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Ms. Sagarika Goswami,
Mr. Suthirtha Nayek,
Ms. Shaini Ghosh,
Mr. Saptaparni Raha,
.... For the Petitioner.

Ms. Koyeli Bhattacharyya,
Ms. Saswati Chatterjee,
.... For the W.B.B.S.E.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
.... For the State.

Mr. Sarwar Jahan,
Mr. Soumik Dey,
.... For the respondent no. 7.

Mr. Alok Kumar Ghosh,
Mr. Prabir Chatterjee,
.... For the added respondent no.6.

Mr. Tapas Kumar Ghosh,
Mr. Tanmay Chowdhury,
.... For the Respondent no.5.

The Headmistress of Chinsuarh Balika Bani
Mandir, District-Hooghly, the respondent no. 6
herein files a supplementary affidavit to her
affidavit-in-opposition to the writ petition, the
President of the Managing Committee of the
school, the respondent no. 5 herein files an
affidavit and Mr. Dasgupta, learned advocate for
the petitioner files exception to the affidavit/report
of the Secretary of the West Bengal Board of

Secondary Education affirmed on July 24, 2023, let those affidavits be kept with the record.

The petitioner is an Assistant Teacher of Chinsuarh Balika Bani Mandir, District-Hooghly, she was put under suspension by the disciplinary authority of the Board vide Memo No. DP/175/19 dated August 19, 2019 which is the subject matter of challenge.

The impugned order of suspension suffers from patent irregularity inasmuch as neither it was followed by a disciplinary action within the prescribed period nor its initiation was in accordance with the relevant rules.

The Board realizing the defects in the impugned order of suspension has withdrawn it vide order dated August 09, 2023, in consequence the petitioner has resumed her duty.

The concerned authority is directed to raise bills in respect of the arrear salary of the petitioner.

The order of suspension was initiated at the instance of the then Additional District Inspector of Schools (S.E), Hooghly, the added respondent no. 7 herein, Mr. Jahan learned advocate appears on behalf of the said respondent, though he tries to justify the action of his client but in view of withdrawal of the order of suspension this Court is not inclined to go into the said issue.

It appears from the materials-on-record particularly from the affidavits of the respondent no. 6 and the documents annexed thereto that there are allegation of malpractice in respect of the Mid-day Meal program of the school.

The authorities are free to take appropriate actions against the persons involved in such malpractices but such actions must be in accordance with the relevant rules.

W.P.A. 19158 of 2021 is disposed of with the above observations without any orders as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)