

02.02.2023
(D/L-19)
Ct.-18
(Susanta)

W.P.A. 28087 of 2022

Sri Pranab Kanti Biswas
-Vs-
The State of West Bengal & Ors.

Mr. Samim-ul-Bria,
Ms. Keya Sutradhar,
.... For the Petitioner.
Mr. Biswabrata Basu Millick,
Mr. Sayan Ganguly,
.... For the State.

Leave is granted to the learned advocate for the petitioner to add the Assistant Secretary to the Government of West Bengal, School Education Department as party respondent no. 7 to the writ petition.

The School Education Department by an order bearing no. 1081/SE/S/10M-03/19(Pt.I) dated May 5, 2022 appointed the petitioner as the President of the Managing Committee of Taranagar BTC B Mandir HS. P.S. Sundarban Coastal, District: 24-Parganas (South) for three years.

The grievance of the petitioner is that the added respondent no.7 by the order impugned, bearing no. 937-S24-1312/SE/S/10M-101/14(Pt.II) dated December 5, 2022 has removed him from the said post without giving him an opportunity of hearing.

Mr. Bari, learned advocate for the petitioner relied on an unreported judgment of the Hon'ble Division Bench passed on July 23, 2018 in the case of **Shahid Pervez -vs- The State of West Bengal & Ors.** in MAT 650 of 2018 submits that the removal of the petitioner

from the said post is bad in law and it offends the principle of natural justice and audi alteram partem.

In view of the aforesaid judgment of the Hon'ble Division Bench, the issue is no longer res integra.

The order impugned therefore, is not sustainable and is accordingly set aside.

The respondent no.7 is directed to reconsider the issue of removal of the petitioner from the post of the President of the Managing Committee of the said school after giving an opportunity to him for hearing.

Drill in this regard is to be completed within four weeks from the date of communication of this order.

Since no affidavit has been invited, the allegations made in the writ petitions are deemed to have been denied by the respondents.

For abundant precaution it is made clear that this Court has not gone into the merit of the allegation made in the writ petition.

W.P.A. 28087 of 2022 is disposed of with the above terms without any order 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.)