

23
07.06.2023.
Ct. 3
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In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

WPA 1093 of 2023

Eaz Zalal Wal Ekram
-versus-
State of West Bengal & Ors.

Ms. Mr. Surajit Basu,Adv.

Mr. Subir Kumar Saha,Adv.
Mr.M.Rahaman,Adv.

.....for State.

Ms. Debarshi Dhar,Adv.

....for District
Primary School Council,
Cooch Behar.

Counsel for the petitioner is present and files affidavit of service. Let the same be kept with the record.

In spite of receipt of the notice, none appears on behalf of the respondent except the respondent no. 1. The petitioner was arrested by the police of PS Pundibari in connection with PS Case No. 229 of 2022 dated 5th May, 2022 and due to his detention in judicial custody, by an order dated 30th May, 2022, the petitioner was placed under suspension. During the pendency of the said case, another two cases have been initiated

against the petitioner. Subsequently, in both the cases, the petitioner was granted bail by the learned competent Court. On 16th March, 2023 the petitioner has made an application to the Chairperson, District Primary School Council, Cooch Behar for revocation of his suspension and allowing him to perform his duty. The Secretary, District Primary School Council had issued an order on 28th March, 2023 by rejecting the request of the petitioner on the ground that the petitioner has been granted only interim bail and he was not released on regular bail in connection with the pending criminal cases against him.

Learned Counsel for the petitioner draws the attention of this Court to the order dated 4th June, 2022 passed by the learned Chief Judicial Magistrate wherein initially the petitioner was granted interim bail and, subsequently, vide order dated 15.12.2022, the interim bail granted to the petitioner was confirmed. On 4th July, 2022 the petitioner was granted regular bail in connection with the another case by the learned Court of ACJM, 2nd Court, Dinhata, Cooch Behar and again the learned District and Sessions Judge has granted regular bail to the petitioner in connection with the third case. After going through the record, this Court finds that the Secretary, District

Primary School Council, Cooch Behar without considering the record that the petitioner was released on regular bail but has rejected the request of the petitioner for revocation of suspension on the ground that the petitioner was released only on interim bail which is contrary to the record.

In view of the above, the order dated 28th March, 2023 issued by the Secretary, District Primary School Council, Cooch Behar is set aside and quashed. The Chairman, District Primary School Council, Cooch Behar is directed to reconsider the request of the petitioner dated 16th March, 2023 and to pass a reasoned and speaking order within a period of two weeks from the date of receipt of this order. WPA No. 1093/2023 is thus disposed of.

(Krishna Rao, J.)