

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

11.01.2023

(SL 04)

(AK)

WPA 1981 of 2022
IA No: CAN 1 of 2022

Sheela Datta Ghatak
Vs.
The State of West Bengal & Ors.

Mr. Jagriti Mishra
Mr. Gobinda Roy
Mr. Debayan Goswami
Mr. Subham Gupta
Mr. Reshab Kumar
Mr. Raj Kumar Mitra

... for the petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman

...for the State.

Mr. Bikramaditya Ghosh

... for the respondent nos.4, 5, 6 & 7.

Mr. Joyjit Choudhury

Mr. Abhishek Singh

...for the respondent nos.9 & 10.

The petitioner has challenged a communication dated 4th April, 2022 in the matter of suspension of the petitioner from the College affiliated to the North Bengal University. The communication has been issued by the teacher-in-charge of the concerned College.

All the parties before the Court, namely, the petitioner, the College and the University have relied

upon The West Bengal College Teachers (Security of Service) Act, 1975 as being material to the issue of suspension of a teacher. Section 12 of the Act provides for an aggrieved teacher preferring an appeal within 30 days from the date of receipt of the order imposing any of the punishments under section 9(1) against the said teacher.

Learned counsel appearing for the petitioner submits that contrary to the position taken on behalf of College and University, the petitioner has preferred an appeal from the impugned order of suspension dated 4th April, 2022 before the Vice-Chancellor, North Bengal University. Counsel submits that the review of suspension and other rights of the petitioner have not been addressed by the College and the University.

Since the petitioner is already before the designated authority under the 1975 Act challenging the impugned order of suspension, this Court is not inclined to consider the matter on merits. The petitioner, according to counsel, obviously seeks to exhaust the alternative remedy available to the petitioner under section 12 of the governing statute.

WPA 1981 of 2022 is, accordingly, disposed of with liberty to the petitioner to take the points urged before this Court before the Appellate authority.

Learned counsel appearing for the University submits, on instructions, that the petitioner has not filed any appeal under section 12 of the 1975 Act.

CAN 1 of 2022 is disposed of accordingly.

(Moushumi Bhattacharya, J.)