

14.12.2023
SL.26, Ct.2
AJ.

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. 2848 of 2023

Ashim Kumar Saha

-Vs-

The State of West Bengal & Ors.

Mr. Swarup Paul,
Mr. Deborshi Dhar,
Mr. Alok Sah.
.....for the petitioner.

Mr. Subir Kumar Saha, A.G.P.,
Ms. Rima Sarkar.
.....for the State.

Mr. Anirban Banerjee.
.....for the respondent nos. 2 & 3.

The petitioner is an Assistant Teacher of
Dhalpal High School, District-Cooch Behar.

The petitioner was arrested in connection with
Tufanganj Police Station Case No. 408 of 2023 dated
June 05, 2023 under Sections 341/323/325/326/307/
354/379/427/506/34 of the Indian Penal Code and was
detained in police custody for nine days.

The President, Ad-hoc Committee, West
Bengal Board of Secondary Education, the respondent
no.2 herein on July 20, 2023 passed an order of
suspension of the petitioner from service for his arrest
in connection with the said criminal case.

A representation of the petitioner dated
September 11, 2023 appearing at page 50 of the writ
petition being Annexure P-7 praying withdrawal of the
said suspension order is pending consideration before
the respondent no.2.

Mr. Pal, learned Counsel for the petitioner submits that the said order of suspension is not followed by any disciplinary proceeding, as such there cannot be any impediment for the petitioner to resume his duty but the order of suspension needs to be formally withdrawn.

The representation of the petitioner since is pending consideration before said respondent no. 2, the said respondent is required to dispose it of in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of communication of this order and shall inform his decision to the petitioner.

No affidavit since has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A. 2848 of 2023 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.)