

06.02.2024.
Court No. 13
Item No. 12
ap

W.P.A. No. 428 of 2024
Rupnarayan Maji
Versus
State of West Bengal & Ors.

Mr. Santi Pada Pahari,
Mr. Amaresh Pradhan,
Mrs. Arpita Pradhan.

...For the petitioner.

Mr. Pinaki Dhole.

...For the State.

Mr. Kamal Mishra,
Mr. Pratap Sanfui.

..For the respondent no.3.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is an Assistant Teacher in Uttar Basulia Primary School, Haldia Circle, Purba Medinipur. He joined the said School on 9th June, 1997.
3. He was suspended from service thereafter for pendency of a criminal proceeding against him, inter alia, under Section 376 of the Indian Penal Code. He was convicted by the learned Additional Sessions Judge, 6th Court, Midnapore on 5th April, 2003. Consequently, the petitioner remained under suspension.
4. Under the normal circumstances, the petitioner, by reason of the order of conviction, ought to have been dismissed from service. However, he remained in suspension by an order dated 29th September, 2013.

5. The petitioner was thereafter acquitted by a Co-ordinate Bench of this Court in C.R.A. No. 151 of 2003.

6. The petitioner then applied before the Chairman, District Primary School Council, Purba Medinipur for reinstatement.

7. This Court notes that the criminal proceedings against the petitioner did not arise in course of employment. The District Primary School Council, Purba Medinipur has not, therefore, chosen to institute any disciplinary proceedings against the petitioner.

8. In view of the above, the order of suspension of the petitioner is liable to be revoked and shall stand revoked. The petitioner shall join the aforesaid Uttar Basulia Primary School, Haldia Circle, Purba Medinipur within a period of seven days from date.

9. The Teacher-in-charge/Head Teacher of the said School shall permit the petitioner to join the said post. The District Primary School Council, Purba Medinipur shall take note of the aforesaid order.

10. It is expected that the regular salary of the petitioner shall commence after his joining in the School in question. The period of suspension shall notionally be counted as on duty. The petitioner shall not be paid any other sum than what he was being paid during the period of suspension.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)