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Ct. 18
19.02.2024

W.P.A. 819 of 2024
Kalipada Bhandari
Vs.

The State of West Bengal & Ors.

Mr. Samrat Choudhury,
Mr. Debnandan Bhattacharyya ... For the petitioner.

Mr. Bibek Jyoti Basu,
Mr. Kaustav Chatterjee ... For the State.

Ms. Koyeli Bhattacharyya ... For the WBBSE.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The service upon the West Bengal Board of Secondary Education has not yet been effected, however to avoid unnecessary delay, this Court engages Ms. Koyeli Bhattacharyya, learned advocate to represent the Board in the matter as she usually appears for the said authority, let her engagement be regularized. A copy of the writ petition be served upon Ms. Bhattacharyya immediately.

On behalf of the District Inspector of Schools (SE), Birbhum, the respondent no. 4 herein, a report bearing Memo No. 21/LS dated January 17, 2024 is filed by Mr. Kaustav Chatterjee, learned advocate for the State, let it be kept with the record.

The petitioner is an Assistant Teacher at Sainthia Paharibaba Vidyapith (H.S.), District – Birbhum. He was arrested in connection with Mayureswar P.S. Case No. 80 of 2021 under Sections 498A/494/307 of the Indian Penal Code and was detained in custody for the period from November 13, 2021 to December 09, 2021.

The West Bengal Board of Secondary Education on January 25, 2022, suspended the petitioner for being in such custody with effect from the date of the said arrest.

The petitioner is praying revocation of the said order of suspension on the ground that the alleged offence for which he was arrested is not related with his service.

The petitioner is required to approach the Board for revocation of the said order of suspension but he has not yet taken such step till date, liberty therefore is granted to him to approach the Board within a week from date and if such approach is made, the Board is directed to consider the prayer of the petitioner in accordance with law expeditiously.

W.P.A. 819 of 2024 is disposed of with the above terms without any order as to costs.

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

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

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.)