

08-07-2024
ct no. 13
Sl. 42
sp

WPA 2773 of 2023
Shaikh Sazzad Ali
-Versus-

The State of West Bengal & Ors.

Mr. Satyendra Agarwal,
Mr. Bijoy Bag,
Mr. Tarak Nath Sarkar

..for the petitioner

Mr. Ranjan Saha

..for the DPSC, Paschim Medinipur

1. The petitioner was put in suspension under Rule 7 (2) of the West Bengal Primary Education (Conduct of Service of Teachers of Primary School) Rules, 2001 for being in custody for more than 48 hours.
2. It appears from the records that the dispute between the petitioner and the private respondents is purely private in nature relating to their residential land. The criminal proceedings against the petitioner have got nothing to do with the service in the school. The petitioner has been enlarged on bail in November, 2022. The petitioner has applied before the DPSC, Paschim Medinipur for reinstatement.
3. This Court is of the view that since the criminal proceedings against the petitioner have got

nothing to do with his service in the DPSC, Paschim Medinipur or the Gopinathpur Primary School, Keshpur-I Circle under Paschim Medinipur, his application for reinstatement must be considered favourably by the DPSC, Paschim Medinipur.

4. For the aforesaid purpose, the petitioner shall apply before the Chairman, DPSC, Paschim Medinipur, within a period of 1 week from date. The application shall be disposed of within a period of 2 weeks of receipt of such application.
5. In the facts and circumstances, the State cannot afford to lose the services of the petitioner and pay subsistence allowance.
6. With the aforesaid observations, the instant writ petition shall stand disposed of.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)