02.04.2024
(S/L-3)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 6103 of 2024

Gorachand Bishoyee
-Vs-
The State of West Bengal & Ors.

Mr. Syed Mansur Ali,
Mr. Sk. Intiaj Uddin,
.... For the Petitioner.

Mr. Manas Kundu,
Ms. Tanima Sengupta, ... For the State.

Mr. Anujit Mookherji,
Mr. Prithish Chandra,
...For the respondent nos. 3 to 5.

A disciplinary proceeding has been initiated against the petitioner who happens to be an Assistant Teacher of Calcutta Boys' School.

The petitioner earlier had filed a writ petition being WPA 17599 of 2023 praying that in the said disciplinary proceeding, he may be allowed to be represented by an Advocate.

The service conditions of the petitioner is regulated by ***"Calcutta Christian Schools Society, Bengal Regional Conference, Methodist Church in India, Service Rules and Regulations and Leave Rules***" and Rule 21(3) thereof provides that the employee shall be entitled to appear in person or to be represented by a co-employee, but no outsider will be allowed to conduct his defence.

In view of such restriction of the said Rules and Regulations, the said writ petition was disposed of vide order dated February 02, 2024 by appointing one of the co-employees of the petitioner namely Ms. Mousumi Chatterjee, a Physics Teacher of the said school to represent the petitioner in the said disciplinary proceeding but the said teacher refused to represent the petitioner.

The petitioner then took out an application for modification of the said order dated February 02, 2024 but such modification was not necessitated as the learned counsel for the school authority submitted that the petitioner is entitled to be represented by any of his co-employees.

The petitioner is now praying that he may be allowed to be represented in the said proceeding by an employee of any other school as his co-employees are not agreeable to represent him but such type of representation is also not permissible under the aforementioned Rules and Regulations.

The learned advocate for the school authorities, on instruction submits that to obviate the difficulty, Mr. Riddhiman Haldar, the Senior Teacher and Senior School Coordinator has agreed to represent the petitioner in the said disciplinary proceeding, the petitioner can avail his service.

Learned advocate for the petitioner on instruction of his client who is present in Court today, accepts the aforesaid proposal.

WPA 6103 of 2024 therefore is disposed of, permitting the petitioner to be represented in the pending disciplinary proceeding by the aforementioned teacher of the school.

There shall be no order as to costs.

Since no affidavit-in-opposition 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 of this order duly downloaded from the official website of this 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.)