

15.04.2024
Item No. 4
Ct. No. 238
AKG

WPA 7030 of 2024
Dr. Phalguni Mukhopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya,
Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. Supreem Naskar,
Mr. Rakesh Jana

...for the Petitioners

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra

...for Respondent No. 5

Mr. Amitava Chaudhuri,
Ms. Ratna Das

...for the State

Mr. Subhadip Biswas,
Mr. Kanak Kiran Bandyopadhyay,
Mr. Rajdeep Majumder,
Ms. Kaberi Mukherjee

...for Respondent No. 6

The petitioner challenges his suspension order dated February 28, 2024 issued by the President of the Governing Body, Raghunathpur College, Purulia.

Mr. Partha Sarathi Bhattacharyya, learned advocate appearing for the petitioner submits that in suspending the petitioner, the college has not complied with the provisions of Section 11 of the West Bengal College Teachers (Security of Service) Act, 1975. He further submits that Rule 7 of the West Bengal College Teachers (Security of Service) Rules, 1977 has also not been complied with in initiating the disciplinary proceeding against the petitioner.

The order of suspension dated February 28, 2024, on its face suggests that a preliminary enquiry was conducted against the petitioner by an enquiry committee. The enquiry committee found “gross procedural lapse which smacks of financial embezzlement” against the petitioner.

The college thereafter suspended the petitioner for initiating a disciplinary proceeding under the West Bengal College Teachers (Security of Service) Act, 1975.

I am unable to accept the submission advanced on behalf of the petitioner. The relevant act authorises the college to suspend a college teacher in contemplation with a disciplinary proceeding.

In the present case, the disciplinary proceeding is yet to commence. Therefore, at this juncture the petitioner cannot allege violation of Rule 7 of the West Bengal College Teachers (Security of Service) Rules, 1977. The allegation is premature.

In that view of the matter, this writ petition is not entertained. However, it is expected that the college shall conclude the disciplinary proceeding initiated against the petitioner as expeditiously as possible and it is also expected of the petitioner that he would cooperate with the disciplinary authority in conducting the proceeding. The college shall, however,

pay the suspension allowance to the petitioner during pendency of the disciplinary proceeding as per the applicable rules.

With the aforesaid observation, **WPA 7030 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)