

April 1, 2024
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Ct. No.14
SG

WPA 7022 of 2024

Sk. Rezaul Karim
vs.
The State of West Bengal and others

Mr. M.A. Samad
Ms. Priyanka Sharma
... for the petitioner.

Mr. Swapan Kumar Banerjee
Mr. Kapil Guha
... for the State.

Mr. Atis Kumar Biswas
Mr. Suman Chakraborty
Mr. Amit Singh
Ms. Jyoti Agarwal
... for the respondent No.11.

Report filed by the State is taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the headmaster of the school. It has about 800 students and several teachers. Between 2008 and 2014 the private respondent No.11 was an acting headmaster of the school. He had collected huge sums from the public on different pretexts and had embezzled the same. The petitioner lodged several complaints before the higher authorities. In fact, he had to file a writ petition before this Court. By the order dated 29.12.2023 passed in WPA 29216 of 2023, a Coordinate Bench of this Court directed the Director of Madrasah Education to enquire into the matter. A complaint was filed before the police, but was not entertained. This prompted the petitioner to make an

application under Section 156(3) of the Code. The learned Magistrate asked the police to enquire and report. However, the police sought an adjournment for filing such report. During the last higher secondary examination, the school was a venue. On the last day the respondent Nos.11 and 12 gathered some local miscreants and assaulted the petitioner. There was an attempt to murder him. Yet, Section 307 was not incorporated in the FIR registered being Arambagh PS Case No.87/2024 dated 28.02.2024.

Learned counsel appearing for the private respondent No.11 denies the allegations and submits that the private respondent No.11 has recently retired as an assistant teacher of the school. He was also working as a superintendent of a private hostel inside the school premises between 2008-2014. There are severe illegalities committed by the petitioner against which the private respondent had objected to. In fact, the petitioner is facing several show-cause notices from the higher authorities. Several allegations have been made by the students and other teachers against the petitioner.

Learned counsel appearing for the State submits as follows. There is no police inaction, especially in respect of the complaints filed by the petitioner. A report has already been filed in respect of the first application under Section 156(3) of the Code. Investigation is going on in the second case. The police are keeping a close watch on the developments in the locality.

It appears that the investigation is going on in the case where the petitioner seeks to have Section 307 of the Penal Code added.

It shall be open to the investigating agency to add any appropriate provisions to the existing charges.

Let the investigation be concluded expeditiously and in accordance with law.

The police shall keep a sharp vigil at the locale where the school is situated and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]