

14.05.2024
Court No.13
Item No.158
AP

WPA 7374 of 2024

**Sanjay Bagchi
Vs.
The State of West Bengal and Ors.**

Mr. Ekramul Bari
Mr. S.M. Ali

... For the Petitioner.

Ms. Rupsa Chakraborty
Mr. Milan Kumar Maity

... For the State.

1. Learned counsel for the State has filed a report issued by the District Inspector of Schools, Primary Education, Murshidabad and the same is taken on record.

2. The petitioner has been placed under deemed suspension for being detained in custody in connection with Hanskhali Police Station Case No.523/19 dated 15th November, 2019. The petitioner is being enlarged on bail on 5th February, 2020. In that view of the matter, the petitioner applied for resumption of duties on 25th January, 2024.

3. Since the petitioner is being paid subsistence allowance at the rate of 75% of his last drawn salary and the criminal proceedings do not arise out of any act or omission in connection with the service in school, this Court is of the view that the petitioner's services may be utilized by the school in question.

4. In these circumstances, the Chairman, DPSC, Murshidabad shall consider the petitioner's representation for revocation of suspension in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, the writ petition is disposed of.

6. There shall be no order as to costs.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)