

Ml- 08.07.2024
43 Ct.18
rkd

W.P.A. 8591 of 2022

Falguni Sarkar

-vs-

West Bengal Board of Secondary Education & Ors.

Ms. Susmita Pal

....for the petitioner.

Mr. Avishek Prasad

....for the State.

Petitioner was an Assistant Teacher in a Government aided school who by presenting this writ petition has prayed for cancellation of show cause notice issued under memo dated 22nd April, 2022 being No.DA/106/22 and further it has been prayed in this writ petition that petitioner should be permitted to resume her duty and release of salary regularly.

During course of hearing a report has been placed before this Court by the learned advocate representing the State respondents dated 2nd July, 2024 of the District Inspector of Schools (S.E.), Barrackpore, North 24 Parganas.

In the said report an order of the President, *Ad-hoc* Committee of the Board is annexed which was communicated to the petitioner vide memo dated 1st April, 2024 issued by the Deputy Secretary (Disciplinary Authority). The said report

of the concerned District Inspector of Schools dated 2nd July, 2024 along with the order of the President communicated vide memo dated 1st April, 2024 are kept with the record.

On perusal of the order of the President, it appears that the petitioner has already crossed the age of superannuation on 31st December, 2022 and further show cause notice was issued to the petitioner as to why her service will not be dismissed from the date of joining as Assistant Teacher in the said school in terms of Rule 9(2)(g) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of teacher and non-teaching staff), Rules, 2018. Vide said order the President of the Board also directed the concerned District Inspector of Schools to withhold retiral benefits of the petitioner till disposal of the writ petition being WPA 28614 of 2022.

Since order of the Board which was communicated vide memo dated 1st April, 2024 has not been questioned in this writ petition and the petitioner has prayed for resumption of duty and payment of salary on cancellation of the previous show cause notice it appears that no relief can be granted to the petitioner since petitioner has

crossed the age of superannuation on 31st December, 2022.

In the aforesaid conspectus, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law in view of issuance of subsequent show cause notice which has been communicated vide memo dated 1st April, 2024.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)